

***United States Court of Appeals
for the Second Circuit***



APPENDIX

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75-1348

IN THE
United States Court of Appeals
FOR THE SECOND CIRCUIT

Docket No. 75-1348

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JOSEPH BUGLIARELLI,
Defendant-Appellant.

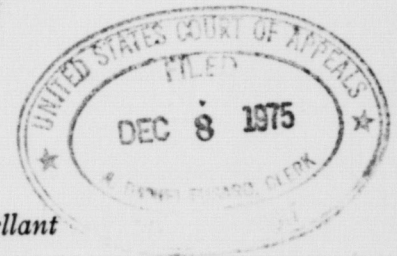
ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

APPENDIX

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75 CRIM. 333 .

ATTORNEYS

For U. S.:

Steven A. Schatten, AUSA.
791-1931

JOSEPH BUGLIARELLI 11/7/75

For Defendant: Wallace Mussoff
c/o Wagman, Cannon & Musoff
136 E. 57 St. NYC 10022
753-2900

(Two Counts)

DATE	PROCEEDINGS
3-31-75	Filed indictment.
4-14-75	Deft. (atty. present) Pleads not guilty. Motions returnable in 10 days Bail fixed at \$15,000. P.R.B. Deft. ordered photographed and finger- printed. Case assigned to Judge Weinfeld for all purposes. Bonsal, J.
4-14-75	Filed personal recognizance bond without security in the amt. of \$15,000.
4-18-75	Filed defts. affdt. and notice of motion for bill of particulars and discovery and inspection, ret. on: date to be fixed by court.
4-16-75	Filed defts. notice of appearance by: Wagman, Cannon and Musoff of 136 E. 57 St, NYC 10022

DATE	PROCEEDINGS
04-25-75	Filed memo end. on defts. motion dated April 18, 1975--Pursuant to letter from defts. counsel, the within motion is hereby withdrawn. So ordered, Weinfeld, J. m/n
05-28-75	Filed govts. affdt. of Steven Schatten in opposition to defts. motion for bill of particulars, discovery, etc.
05-28-75	Filed govts. affdt. of Steven Schatten.
05-28-75	Filed defts. affdt. of Wallace Musoff in support of defts. motion for bill of particulars, etc.
05-28-75	Filed defts. memorandum of law in support of pre-trial motions.
05-28-75	Filed govts. memorandum of law in response to defts. pre-trial motion.
05-23-75	Filed defts. supplemental memorandum of law in support of pre-trial motion.
05-23-75	Filed defts. suppl. affdt. of W. Musoff in support of motion for bill of particulars.
05-23-75	Filed memo end. on defts. suppl. affdt. (above)--Motion disposed of as follows: Govt. is ordered to furnish specific dates and amounts of expenditures and amounts of alleged income. Left. is not entitled to statements of 3rd parties or grand jury minutes. So ordered, Weinfeld, J. m/n
07-01-75	Deft. produced on a writ (atty. present)--Deft. voluntarily waives 8 (SIX) month rule. Trial date set for Monday, Sept. 22, 1975 at 10am in Rm. 128. Writ satisfied. Weinfeld, J.
07-02-75	Filed Transcript of record of proceedings, dated May 20, 1975
07-02-75	Filed Transcript of record of proceedings, dated May 29, 1975
06-25-75	Filed govts. affdt. for w/h/c--writ issued, ret. on: June 27, 1975.
07-10-75	Filed govts. w/h/c to produce deft. on June 27 through July 2, 1975--Writ satisfied on July 1, 1975. Weinfeld, J.
08-08-75	Filed govts. notice of readiness for trial.
08-27-75	Filed deft's affdvt. and notice of motion for a pre-trial conference. - ret. 9-2-75
09-02-75	Pre-trial conference held. Defts. bail limits ext. to include State of Connecticut. Weinfeld, J.
09-18-75	Filed defts. memorandum of law in support of motion under Rule 12(b)(2).
09-18-75	Filed govts. affdt. of Steven Schatten in opposition to defts. motion to dismiss indictment, etc.
09-18-75	Filed memo end. on defts. motion dated Sept. 18, 1975 to dismiss indictment or to conduct a hearing to investigate the Grand Jury minutes---Motion is denied. Weinfeld, J. m/n
09-18-75	Filed defts. affdt. and notice of motion to dismiss indictment, etc. ret. Sept. 16, 1975 at 2:15pm. (see endorsement above).
09-17-75	Hearing begun and contd. on motion to suppress, Weinfeld, J.
09-18-75	Hearing contd. and concluded. Motion to suppress is denied. Trial begun and contd. before Weinfeld, J. with a JURY.
09-19-75	Jury trial contd.
09-22-75	"
09-23-75	"
09-24-75	Jury trial contd. and concluded. Jury begins deliberations. see page -3-

1 sljL

2 pretation, you may offer that.

3 MR. MUSOFF: Judge, you know, this is so devastat-
4 ing to us that--

5 THE COURT: All evidence that is offered by the
6 Government is, as Judge Hank once said, for the purpose
7 of prejudicing the jury in favor of the side that offers
8 it.

9 MR. MUSOFF: That is true. But I really don't
10 see the relevancy, your Honor. What worries me is that
11 knowing you, I don't know how I am going to make out after-
12 ward.

13 THE COURT: Well, I don't know what you mean by
14 that.

15 (End of robing room discussion.)

16 (In the courtroom.)

17 THE COURT: All right, proceed please.

18 MR. SCHATTEN: The Government calls Sergeant
19 James Blatus.

20

21 J A M E S B L A T U S, witness called on behalf of
22 the Government, being first duly sworn, testified as
23 follows:

24 MR. SCHATTEN: May I proceed, your Honor?

25 THE COURT: Yes.

sljb

Blatus-direct

417

DIRECT EXAMINATION

BY MR. SCHATTEN:

Q Sergeant Blatus, by whom are you employed?

A I am retired from the Police Department.

Q How long were you with the Police Department as of February 11, 1972?

A With my years of seniority, 19 years, seven months and some odd days.

Q Whom were you with on February 11, 1972? Which was the division or unit of the Police Department to which you were attached?

A I was assigned to the Public Morals Division, Central Investigating Squad.

Q On February 11, 1972 at approximately 1:30 in the afternoon, did you have occasion to enter premises 255 East 155th Street in the Bronx on February 11, 1972?

A Yes, I did.

Q And was the apartment that you entered abandoned or was it occupied?

A It was an abandoned apartment but they had people in there. There were no residents in there.

Q It was an abandoned apartment but there were people in there, is that correct?

A Yes.

sljb

Blatus-direct

418

Q Will you describe the doorway or entrance that you had to enter to get in there?

A The doorway was partially secured by a large piece of sheet metal which was nailed to it and had been bent on the side, so you entered by pulling some of the sheet metal aside and stepping into the apartment.

Q By the way, 255 East 155th Street is right near the Morris Avenue section of the Bronx, is that it?

A I guess that would be considered the Morris Avenue section.

Q Who else was present when you entered the apartment?

A With me was Patrolman Tony Colon, Patrolman John and Detective Kirkpatrick.

Q When you entered the apartment, what did you observe?

A Well, when I first entered the apartment I seen several people milling around, and I gave an order to get against the wall.

And a few minutes later I saw Patrolman John towards the rear of this room. We were in the first room, like when you enter the apartment, which would be like a living room, and I had a conversation with John, and he directed me to the bathroom, which was the doorway he was

sljb

Blatus-direct

419

standing near, and I entered that bathroom.

Q By the way, Patrolman John that you are referring to is Patrolman William John, is that correct?

A Bill John. William John.

Q What did you observe at that time when you were at the bathroom?

A I observed one man in there identified as Tarallo--

MR. MUSOFF: If your Honor please, I object to any testimony with regard to any observations at the time that Mr. Bugliarelli was not present.

THE COURT: I sustain the objection at this time.

MR. SCHATTEN: I would like to be in a position to offer the remaining portion because it certainly ties in--

THE COURT: You will be able to offer it.

BY MR. SCHATTEN:

Q What occurred thereafter?

A You mean when I entered the bathroom?

Q When you observed Mr. Tarallo, what happened then?

A I said, "Are there gambling records in this room?"

Q What happened then?

A Well, I moved Tarallo from where he was to on the side and I started perusing the gambling records, and when I come across one particular record he expressed an

sljb

Blatus-direct

420

1 interest in it.

2 Q What kind of record was that?

3 A This record was a tally sheet or a payoff collect
4 slip.

5 Q What does that mean?

6 A In other words, it usually indicates that who-
7 ever was keeping the records would record what he owed and
8 the moneys that were coming to him, and this would be
9 considered like a tally sheet.
10

11 Q That is, it would record what moneys were coming
12 to the person who had the slip and what money he owed, is
13 that right?

14 A What money was due him and what money he had to
15 pay. What he paid out might not have been on there, but
16 it indicates his balance, most likely.

17 Q What happened thereafter?

18 A We had a conversation relative to that slip.

19 Q And what was the nature of the conversation?

20 MR. MUSOFF: Objection, your Honor.

21 THE COURT: I will take it subject to motion to
22 strike.

23 Members of the jury, a word of caution at this
24 time: Without going into too much detail, the Government's
25 theory in this case is based upon what is known as an

sljb

Blatus-direct

421

expenditure theory; that the defendant spent much more in each of the given years than he reflected on his income tax returns, and that after taking into account non-taxable items or deductible items, there still remained a very substantial sum of money that he spent in excess of reported income; and the Government is attempting to show that this defendant had a source of income which it claims is attributable to gambling activities.

1 lpl

Blatus-direct

422

2 Now, one, we are not concerned at this trial
3 with whether or not such activities, if, in fact, they
4 were occurring, violated either the Federal or State laws
5 with respect to such activities. It's only significance
6 in this case is whether or not the government will be
7 able to establish - and that is what it is purporting to
8 do - that this defendant had an additional source of
9 income which it contends accounts for the expenditures
10 made, which it further contends was far above the amount
11 reported in the tax returns.

12 So will you please bear in mind that this is
13 the sole and only purpose for which this evidence is now
14 being received, and you are not to consider whether or not
15 the alleged gambling activities or the relationship to
16 gain the activities violated either Federal or State laws.
17 Its only significance is the effort on the part of the
18 government to establish a source of income.

19 MR. MUSOFF: Your Honor, may we just clarify
20 a little bit more specifically and state that it is the
21 source of income that is being questioned only for the
22 years 1970 and 1971 and no other period of time?

23 THE COURT: That is correct.

24 BY MR. SCHATTEN:

25 Q Now, I believe you were testifying with respect

1 lp2

Blatus-direct

2 to a tally slip which showed amounts owed and which had to
3 be paid and amounts which were coming in, is that correct?

4 A Yes.

5 Q And what happened at that point?

6 A Well, Tarallo told me that he needed that
7 slip --

8 MR. MUSOFF: Your Honor, for this purpose I
9 think that is strictly objectionable under any ground,
10 what Mr. Tarallo told him outside the presence of
11 this defendant. That is hearsay.

12 MR. SCHATTEN: Subject to connection, your Honor

13 THE COURT: I will take it subject to con-
14 nection.

15 THE WITNESS: Shall I continue?

16 Q Please.

17 A Mr. Tarallo told me he needed that slip to
18 straighten out.

19 So I says "Okay," and I continued to search
20 the apartment -- that one room.

21 Q What else did you find?

22 A I found moneys, some slips; I found some gamblin'
23 records which indicated illegal numbers operation.

24 Q Tell us what occurred thereafter.

25 A Well, we moved out into the outer room, and

Blatus-direct

1 lp3

2 then Tarallo and I moved into like a side room, which
3 was a bedroom, if I recall, and shortly after that when
4 Tarallo and I was in this side room, Joseph Bugliarel
5 entered the premises through this door.

6 Q By the way, had Mr. ~~TARALLO~~ been placed unde
7 arrest by you prior to Mr. Bugliarelli's entrance?

8 A He had been placed under arrest by Patrolman
9 John and I notified him that he was under arrest after-
10 wards, too.

11 Q What was he under arrest for at that time?

12 A The section of the Penal Code dealing with
13 illegal gambling, mutuel horse race policy.

14 Q Do you see Mr. Bugliarelli in court today?

15 A Yes, I do.

16 Q Will you please point him out to the Court and
17 jury?

18 A Sitting at the table there with the gray suit
19 (indicating).

20 MR. SCHATTEN: May the record reflect that the
21 witness has identified Mr. Bugliarelli.

22 Tell us what happened to Mr. Bugliarelli after
23 he entered the premises.

24 A Well, he was talking with my officer who was
25 stationed at the door, and I approached him, and we got

1 lp4

Blatus-direct

2 into a conversation as to what his name was, and I said,
3 "What is your name?" and he said, "Lorrelli, he told me.

4 Q He said Lorrelli?

5 A Yes.

6 Q What happened then?

7 A I told him to stick around; you know, "Come on,
8 be a friend," something like that, I don't recall exactly.
9 And we asked him if he was clean -- somebody asked him,
10 I think Kirkpatrick asked him if he was clean, and I said,
11 "He wouldn't be stupid enough to come in here with work,"
12 meaning illegal gambling records or policy work.

13 Q What happened then?

14 A Well, I started to frisk him, and he opened
15 his coat up, and a bunch of bills fell out of his coat
16 onto the floor, a large sum of bills, I don't know exactly.

17 So I started to gather up the bills with him,
18 and we gave it back to him, and I left him there and I
19 returned to Tarallo who was behind, like right by the
20 doorway of this here bedroom, a vacant room. I assume it
21 was a bedroom.

22 Q Tell us what happened thereafter.

23 A I asked what he wanted to do about
24 the tally slip, and he said he needed that to straighten out.

25 So I asked him, what did he have in mind?

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lp5

Blatus-direct

And he asked me what it was worth.

So we talked back and forth in this vein, what I had in mind, what he had in mind, and then he told me did I know that this place was a pad.

Q Will you tell the Court and jury what you mean when you say a place is a pad?

A A place would be considered a pad where they were running some kind of illegal operation, usually gambling or policy, bookmaking, and they paid the police for protection to operate. They paid them a certain amount of money to operate illegally so they wouldn't have to get arrested; they could continue to operate without being bothered.

Q What happened after Mr. Tarallo told you the place was a pad?

A He still wanted to know what I thought it was worth, and he asked me how many men I had, and I told him what I had; then he says, "Let me speak to Joe."

I says, "Go ahead."

And I called Mr. Bugliarelli, and I said, "Go ahead, go talk to him."

And he and Joe Bugliarelli had a conversation, and I was away from them, I couldn't hear the conversation, and Bugliarelli approached me and asked me if I was from downtown.

1 lp6

Blatus-direct

2 And I told him no, that I wasn't, I was from
3 the Bureau of Corruption -- can I look at my notes, your
4 Honor?

5 THE COURT: If you require notes to refresh
6 your recollection, you may.

7 MR. MUSOFF: Your Honor, are these notes that
8 were contemporaneously taken back on February 11 --

9 THE COURT: It doesn't make any difference when
10 they were taken. You may question him about it. The
11 witness says there is a paper which may refresh his recol-
12 lection.

13 Mark it for identification.

14 MR. SCHATTEN: Will you mark it as Govern-
15 ment's Exhibit 61 for identification.

16 (Government's Exhibit 61 marked for
17 identification.)

18 THE COURT: Please go ahead.

19 THE WITNESS: So I told him I was from the
20 Bureau of Corruption.

21 Then he told me, "I'm a main cousin."

22 Q What is a main cousin?

23 A That would be -- a main cousin would be a friendly
24 guy who does his share of paying, a substantial share of
25 paying, that's a main cousin, that he's well-known.

1 lp7

Blatus-direct

2 Q What happened after?

3 A He told me he was here to straighten this out,
4 he told me, and he asked me what I wanted to do.

5 I told him that I would like to take an arrest
6 out of here. And he said not to do that. He said, in
7 fact, "You don't want to do that." He said, "Don't
8 arrest him."

9 And then he told me, "If you want a pad," refer-
10 ring to putting this spot on the pad --

11 Q He was offering to pay you, is that the idea?

12 THE COURT: When you say he said, "Don't arrest
13 him," to whom was he referring?

14 THE WITNESS: Referring to Mr. Tarallo.

15 BY MR. SCHATTEN:

16 Q Tell us what happened next.

17 A I said, "It would be nice to have a pad."

18 He says, "You want a pad?"

19 And then we had some more conversation relative
20 to that, and he says, "You want the pad now?" And he was
21 telling me it was only for one spot.

22 So I asked him, "How much did you pay before?"

23 And he told me \$125 a month.

24 Q \$125 a month, he said?

25 A Yes, sir.

1 lp8

Blatus-direct

2 Q What did you say in response to his saying to
3 you that he was paying previously \$125 a month?

4 A Well, I told him that this squares us away now
5 and we'll talk about the monthly pad, we'll talk about the
6 pad.

7 Q What did Mr. Bugliarelli say thereafter?

8 A Mr. Bugliarelli then gave me \$200 in U.S.
9 Currency in 10s and 20s, and I placed him and Vicent Tarallo
10 under arrest for bribery.

11 THE COURT: Now before we go any further,
12 members of the jury, again a cautionary word:

13 We are not concerned in this case with any charge
14 of alleged bribery which violates Federal or State law.
15 The only purpose this is being received for is to show that
16 the government contends that the defendant had an interest
17 in gambling activities. The government is going to urge
18 upon you that this activity, if you believe it - and it is
19 up to you whether or not you credit his testimony - reflects
20 an interest in gambling activities as a source of income.
21 We are not concerned with any aspect of the alleged bribery,
22 as such.

23 MR. MUSOFF: May the record just reflect, your
24 Honor, that I renew all my objections?

25 THE COURT: The record already reflects whatever

1 lp9

Blatus-direct

2 you said.

3 MR. MUSOFF: Thank you, Judge.

4 THE COURT: It is being received for this very
5 limited purpose, on the issue as to whether or not the
6 defendant had a source of income which can be attributed,
7 the additional income which the government alleges the
8 defendant failed to report.

9 MR. SCHATTEN: May the record reflect that I am
10 now opening the contents of an envelope which is now marked
11 as Government's Exhibit 8, and I am removing therefrom two
12 \$20 bills and 16 \$10 bills, and I am going to show it to
13 the witness.

14 BY MR. SCHATTEN:

15 Q I want to show you the \$200 that is found in
16 Government's Exhibit 8 for identification.

17 I would like to show you the third page or the
18 second page of Government's Exhibit 8, and in that con-
19 nection can you identify the bills that are set forth as
20 part of the envelope in Government's Exhibit 8?

21 A This is a Police Department property invoice,
22 and that is a list of serial numbers on it, and there is a
23 total of 18 bills here, and the first two 20s match --
24 the serial numbers of the bills match this (indicating).

25 Do you want me to go through everyone of these

1 lp

2 bills?

3 Q Have you satisfied yourself that the bills
4 that you have in your hand that were removed from the
5 envelope, Government's Exhibit 8 for identification,
6 have the same numbers that are reflected on your voucher
7 sheet?

8 A Yes.

9 Q What does that voucher sheet relate to?

10 A This is the evidence seized at the premises
11 in the Bronx which was brought to the stationhouse and
12 invoiced and sent to the property clerk.

13 Q So these are the same \$200 that you received
14 from Mr. Bugliarelli on February 11, 1972?

15 A Yes, sir.

16 MR. SCHATTEN: I would like to offer these
17 collectively as Government's Exhibit 8-A, the \$200, in
18 various bills.

19 MR. MUSOFF: Again, your Honor, I object to this.
20 I think it is wholly irrelevant, of an extremely prejudicial
21 nature and no relations to the years 1970 and 1971.

22 THE COURT: It is being received for the very
23 limited purpose indicated and no other purpose.
24
25

1 DHjw 1

Blatus - direct

2 MR. SCHATTEN: I want to point out for the
3 record that February 11, 1972, is less than 45 days
4 after the close of 1971.

5 (Government's Exhibit 8-A received
6 in evidence)

7 Q Tell us what happened after you placed Mr.
8 Bugliarelli and Mr. Tarallo under arrest?

9 A There was some more conversation.

10 Q How did you begin the conversation?

11 A Well, inside the premises Mr. Bugliarelli
12 and Tarallo -- Bugliarelli was concerned about being
13 entrapped and giving me the money and he was talking
14 about --

15 Q Did you begin to advise him about his
16 constitutional rights?

17 A Yes, I told him that he had the right to
18 remain silent, and I started with the second part of a
19 lengthy rights, and he interrupted my conversation with
20 his conversation, and I never got back to finishing the
21 complete rights.

22 Q What happened thereafter?

23 A We left the premises and went out to the front
24 and took one of my men's cars to the stationhouse for
25 transportation for booking. And we had more conversation

1 dhjw 2 Blatus - direct

2 outside.

3 Mr. Bugliarelli asked me what stationhouse
4 we are going to, and I told him the nearest one, and he
5 said "Oh, that would be the 42nd." And it turned out
6 that it would be the 42nd that we drove to.

7 We left the middle of the block and drove to
8 the corner and he also had a conversation with another
9 man that was down the street and he called out and he
10 said, "Do you want to call Friedman and tell him I'm at
11 the 42nd?"

12 Q Did you have occasion to subsequently meet
13 Mr. Friedman?

14 A Yes.

15 Q Who is Mr. Friedman?

16 A Mr. Friedman was the lawyer who represented
17 Mr. Bugliarelli in the case that followed this, Supreme
18 Court.

19 Q What happened after that?

20 A Well, we drove to the stationhouse and when
21 we arrived there Bugliarelli and I left and walked to the
22 front of the stationhouse while the other guy parked
23 the car and somebody had Tarallo. I think it was Patrolman
24 John, but Mr. Bugliarelli and I had a conversation in front
25 of the stationhouse again.

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Blatus - direct

Q Tell us what was said by you and what was said by Mr. Bugliarelli in that conversation.

A He wanted me just to take him for gambling, indicated I should take him for the policy arrest and not the bribery.

Q He wanted to be arrested --

A Just for the policy.

Q Only for gambling. Is that right?

A I'm sorry, for the gambling arrest.

Q He indicated to you that he didn't want to be arrested for bribery?

A No, just for the policy. Then he told me he was a stand-up cousin.

Q What did that mean?

A Well, that would be a friend that pays the police and stands up. A stand-up cousin would be one that pays the police and if he was out of court he would be a stand-up guy and not do any talking.

And he asked me to inquire about it. All I had to do was ask somebody about him and I'd find out that he was a cousin.

And I asked him who to ask. He told me, "Ask your own men."

And I said to him, "Downtown?"

1 dhjw 4

Blatus - direct

2 And he says, "I don't want to tell you any-
3 thing more." He used a profanity. And he says he's no
4 stool pigeon.

5 Q He didn't want to tell you the name of
6 the people he new.

7 A Right. He just wanted me to inquire. When
8 I kept asking "Inquire where? I wouldn't know where to
9 start," he just said, you know, "That's it." He told me
10 "Just ask anybody," he says. "I'm Joe Bugliarelli, I've
11 got a record. Just check my sheet."

12 Q What did that mean to you?

13 A That meant that he had a record, he was
14 arrested by the police, he had a record and to check his
15 sheet and I could see whatever arrests were on the sheet.

16 MR. MUSOFF: I object and move that those
17 statements be stricken from the record.

18 THE COURT: They are stricken, the jury is
19 instructed to disregard them.

20 Q What happened thereafter?

21 THE COURT: Draw no inference of any kind
22 from the testimony.

23 Q What happened thereafter?

24 A After he told me that, we were joined by the
25 other men and we entered the stationhouse and proceeded

1 dhjw 5 Blatus - direct
2 with the formal booking.

3 Q At the time of this conversation were you
4 wearing a tape recording device?

5 A No, I was wearing a wire recording device,
6 which is different.

7 Q Was that true of the entire conversation that
8 took place from 1:30 on to the end of the conversation
9 with Mr. Bugliarelli?

10 A Yes. Whenever I spoke to Bugliarelli the
11 wire recorder was on.

12 Q Was there a tape prepared of that meeting?

13 A I'm sure there was. You mean a tape of the
14 wire?

15 Q Yes, that's right.

16 A Yes, a copy was made of it.

17 Q Okay. And there was also an original wire;
18 is that correct?

19 A Yes.

20 Q I want to show you what's been marked as
21 Government's Exhibit 9 for identification. Can you identify
22 that?

23 A This is a transcription of the wire recording.

24 Q Have you had occasion to study that wire record-
25 ing, the transcript, in light of listening to the recording?

1 dhjw 6 Blatus - direct

2 A Yes, I did.

3 Q To the best of your knowledge, is that an
4 accurate version of the recording?

5 A It's fairly accurate. There are a few minor
6 mistakes.

7 Q But essentially accurate?

8 A Essentially accurate.

9 MR. SCHATTEN: I would like to offer the
10 transcript. I would ask the Court for a brief recess in
11 connection with the matter. We'll need a five-minute
12 recess in connection with the playing.

13 I would like to offer the transcript and I
14 would also like to offer the tape and then I will conclude
15 my direct examination, and after that time I would like
16 to play the tape following Mr. Musoff's cross examination
17 of the witness.

18 MR. MUSOFF: If your Honor please, during
19 any recess I would like to approach the bench with regard
20 to the admissibility of the transcript. We haven't
21 had the pleasure of having Mr. Blatus as a witness before,
22 if you recall, and I think I might be entitled to voir
23 dire. I would like to discuss that.

24 THE COURT: Of course, you have had a voir
25 dire with regard to another witness on the same subject.

1 dhjw 7

Blatus - direct

2 MR. MUSOFF: Yes, your Honor, I had.

3 MR. SCHATTEN: My understanding is that he
4 doesn't have the right to voir dire everybody he would
5 like, the Court having made his ruling.

6 THE COURT: I will afford it to him. It
7 seems to me I had spent three or four hours the other
8 day for this purpose, of saving time here.

9 Call the other witness. I'm going to suggest
10 calling the other witness out of turn, then, because I
11 don't want to start this all over again. You had a hearing
12 on this.

13 MR. MUSOFF: Your Honor, may I --

14 THE COURT: We will excuse the jury. This
15 isn't any concern of the jury.

16 MR. MUSOFF: May I then just note my objections
17 for the record.

18 THE COURT: We will excuse the jury.

19 We will have a short recess.

20 (Jury excused)

21 MR. SCHATTEN: The record should reflect that
22 I am now turning over to Mr. Musoff the portion of the one
23 paragraph the Court ordered me to turn over from Govern-
24 ment's Exhibit 3546-E, which means now Mr. Musoff is in
25 possession of everything, 3546-E, that he is entitled to.

1 dhjw 8

Blatus - direct

2 THE COURT: Off the record.

3 (Discussion held off the record)

4 THE COURT: Mr. Musoff, a hearing was held on
5 this. Are you suggesting we are starting all over again?

6 MR. MUSOFF: No, your Honor. I agree with
7 you and I waive it.

8 THE COURT: There is no question you are object-
9 ing to the admissibility of this transcript. I hold it
10 is admissible with an instruction to the jury that the
11 jury will be the sole judges of what is on the tape, and
12 that the transcript is simply in effect an aid memoir,
13 which they have an absolute right to disagree with and
14 disregard.

15 MR. MUSOFF: Thank you, your Honor.

16 Of course, your Honor, I'm looking ahead to
17 the conclusion of the trial. The usual cautionary
18 instructions will be given.

19 THE COURT: I will repeat that again. I'm
20 going to instruct the jury now, when it is read to them
21 and as the tape is played for them, but I will issue the
22 instruction again in the form of a charge. I will do it
23 twice.

24 MR. MUSOFF: Thank you, your Honor. Because
25 we didn't formally request it.

1 dhjw 9

Blatus - direct

2 THE COURT: I would do it on my own whether
3 you would request it or not. You are entitled to it.

4 MR. MUSOFF: Thank you, your Honor.

5 THE COURT: How long will it take to set up
6 the --

7 MR. SCHATTEN: I think it will probably take
8 say ten minutes at the very most.

9 THE COURT: All right.

10 (Recess)

11 (Jury present)

12 MR. SCHATTEN: I would like to have this tape
13 marked as Government's Exhibit 9-A for identification.

14 (Government's Exhibit 9-A marked for
15 identification)

16 MR. SCHATTEN: I would like to formally
17 offer the tape, the wire recording, in evidence at this
18 time, your Honor.

19 MR. MUSOFF: Again I note my objection, your
20 Honor.

21 (Government's Exhibits 9 and 9- A
22 received in evidence)

23 MR. SCHATTEN: Your Honor, for the record I
24 should state that I passed copies out to the jury just
25 before the recess. I propose to play the tape.

1 dhjw 10

Blatus - direct

2 THE COURT: Members of the jury, a word about
3 the transcript.

4 Of course, none of us were present when the
5 conversations, which are reflected on the tape, occurred,
6 and none of us know the voices and who was speaking to
7 whom.

8 This witness was present and was one of the
9 participants, and he has testified that this transcript
10 reflects accurately what was said by each person.

11 However, the transcript, and what is contained
12 on it, is not the evidence in the case. It is simply
13 prepared as sort of an aid to you to follow the actual
14 recording which will be played for you, and the evidence
15 in the case and the evidence by which you are to be guided
16 to the extent you accept it as credible, is the tape
17 recording itself.

18 To the extent, for example, that anything on
19 the tape is inaudible, you have a right to disregard it
20 entirely, and not accept this transcription in any event.
21 I impress upon you, it is the tape recording itself and
22 what you hear that is the evidence in the case. This is
23 simply, the document I am holding in my hand, a transcription,
24 as I say, an aid to you in order to identify the voices
25 as they speak.

1 dhjw 11

Blatus - direct

2 Is there anything you want me to add to that,
3 Mr. Musoff?

4 MR. MUSOFF: No, your Honor. Thank you.

5 THE COURT: I will repeat that again to you
6 later in the charge, but I'm impressing it upon you now.

7 BY MR. SCHATTEN:

8 Q Just for the record, it is correct, is it
9 not, that all references to Patrolman J. are to Patrolman
10 William John; is that correct?

11 A Yes.

12 Q And all references to Sargeant B are to your-
13 self, namely Sargeant Blatus.

14 A That is correct?

15 Q And all reference to TAR, are to Mr. Vincent
16 Tarallo; is that correct?

17 A That's correct.

18 Q And all references to BUG are to Mr. Bugliarelli.

19 A Yes.

20 Q And Detective K is Detective Kirkpatrick.

21 A Yes.

22 Q And Patrolman C is German Colon; is that
23 correct?

24 A Colon.

25 MR. SCHATTEN: Your Honor, with the Court's

1 dhjw 12 Blatus - direct
2 permission, I would request that Inspector Lauh, who is
3 handling the equipment, be allowed to instruct the jury
4 on the use of these headsets.

5 THE COURT: Yes.

6 MR. LAUH: Your Honor, ladies and gentlemen
7 of the jury, this is a wireless headset and you don't
8 have to connect it to anything. You just put it on.
9 On the one side you see a little wheel, with a black
10 mark on it, that is a combination on-off and volume
11 control. Just like turning on your radio. If you want
12 more volume, you just turn it up a little more.

13 Now, you shouldn't have any problem hearing
14 it. If you do have any problem hearing it, just raise your
15 arm and I will give you another headset.

16 THE COURT: Now, counsel have one and the
17 defendant has one. All right.

18 (At this point, Government's Exhibit 9-A
19 was played)

20 THE COURT: I heard it up to the point "Just
21 crossing the street."

22 MR. LAUH: Sorry, your Honor, I have a
23 malfunction in the wiring, your Honor.

24 THE COURT: How long will it take to fix it?

25 MR. LAUH: I would have to find out, sir.

1 dhjw 13

Blatus - direct

2 MR. SCHATTEN: I would suggest in the interests
3 of saving time we might begin the cross examination of Mr.
4 Blatus at this time. Unless it can be corrected.

5 MR. LAUH: I think it will take fifteen
6 minutes.

7 MR. SCHATTEN: You think it would take
8 fifteen minutes.

9 MR. LAUH: Yes.

10 THE COURT: Can't that be played without
11 earphones?

12 MR. LAUH: I can, your Honor.

13 THE COURT: Why can't that be done?

14 MR. LAUH: I can if you would like me to.

15 THE COURT: It was done for me the other day.
16 What's wrong with that?

17 (Government's Exhibit 9-A continued to
18 be played)

19 MR. SCHATTEN: We are at the top of page 2.
20 Patrolman John is speaking.

21

22

23

24

25

lp

Blatus-direct

445

(During playback Government's Exhibit 9-A
the following occurred.)

MR. SCHATTEN: With the Court's permission we
will stop the tape recording at this point.

MR. MUSOFF: Your Honor, I would like the whole
tape played.

THE COURT: You want the balance played?

MR. MUSOFF: Yes, I want the balance played.

(Playback of Government's Exhibit 9-A
continued.)

MR. MUSOFF: Your Honor, may I just approach
the bench for a moment?

THE COURT: Yes.

(At the bench.)

MR. MUSOFF: Your Honor, on part of the tape
that was not transcribed there is an expression to the
effect that one of the police officers told Sergeant Blaus
that "You have got to be crazy to be in a Police Station and
still have the tape recorder running."

I would like the jury to hear that. I know it
is late in the day and I don't want to inconvenience anyone,
but I would like to have them hear that.

THE COURT: Wasn't this tape transcribed from
the beginning to the end?

1 lp

2 MR. SCHATTEN: No.

3 THE COURT: Well, if you want to have it played
4 back you could have it played back.5 MR. MUSOFF: I want to have it played, your
6 Honor.

7 THE COURT: Can you locate the portion?

8 MR. SCHATTEN: I don't know where that portion
9 is, your Honor. I don't know how much longer the tape is.

10 THE COURT: Is it beyond this point?

11 MR. MUSOFF: Yes, it is beyond this point,
12 and I think it might involve some 15 or 20 more minutes.13 May I make the suggestion that we adjourn for
14 the day, and have the technician just move the tape recorder
15 up to that spot, and then in the morning it can be played
16 in just two minutes, and then I will start my cross-
17 examination.18 THE COURT: You are entitled to have that
19 portion played or the entire tape played.20 I did not understand that there is a balance of
21 it that the transcript doesn't show.

22 Did you say there is?

23 MR. MUSOFF: Yes.

24 THE COURT: You are entitled to have the balance
25 played back for the jury.

1p

Blatus-direct

447

MR. MUSOFF: Tomorrow morning?

THE COURT: How long would it take?

MR. SCHATTEN: I am not sure exactly what Mr. Musoff is referring to.

MR. MUSOFF: It may be another 20 minutes, your Honor.

THE COURT: Is your technician here?

MR. SCHATTEN: Yes. He is not familiar with this particular tape as such.

THE COURT: Call him up here.

(Technician approached the bench.)

THE COURT: Is there any more on the tape?

THE TECHNICIAN: On the remainder of it? It sounds like something on the background.

If you want to listen to it, I will get it on.

THE COURT: I don't have any special desire to listen to it.

Counsel for the defendant says there is additional material on the tape. Is there?

THE TECHNICIAN: Sir, I haven't heard all of the tape myself.

THE COURT: Well, if he is right, that's all there is to it, it will be played.

MR. MUSOFF: Tomorrow, your Honor?

1 lp

Blatus-direct

448

2 THE COURT: Now, I am going to require you,
3 the technician, to remain with the government and defense
4 counsel and whoever else is familiar with this and as-
5 certain if there is additional material on the tape;
6 and if there is we will play it the first thing tomorrow
7 morning for the jury. I think it will take too long now
8 while the effort is being made to locate the balance.

9 MR. MUSOFF: Thank you, your Honor.

10 THE COURT: You are entitled to have the whole
11 tape played.

12 MR. MUSOFF: Just one other brief matter:

13 If you will recall, your Honor sustained my
14 objection to the Sergeant testifying that Mr. Bugliarelli
15 told him he had an arrest record. Yet when the tape is
16 played it appears on the tape and it is in the transcript
17 that he is telling Sergeant Blatus, "I got a record.
18 Look at my sheet." And I think, your Honor, that some
19 cautionary instruction should be given.

20 THE COURT: I will issue a cautionary in-
21 struction with respect to that. And I will go beyond that.
22 I think it ought to be deleted entirely.

23 MR. SCHATTEN: I will delete it from the trans-
24 cript. I hesitate to delete it from the tape.

25 THE COURT: I don't know how you can delete
it from the tape. I will give a cautionary instruction,

1 lp

Blatus-direct

449

2 and as far as the transcript is concerned we will delete it
3 physically.

4 MR. MUSOFF: Thank you.

5 (End of bench discussion.)

6 THE COURT: (Addressing the jury) Members of
7 the jury, I am told there is an additional portion on the
8 tape which has not been transcribed, and at the request of
9 defense counsel I am directing that the balance be located.
10 I assume it is on the tape, as has been represented to me,
11 and to the extent that it is there it will be played for
12 you the first thing in the morning. I think it will take
13 too long tonight to locate it and play it, and you have
14 been very cooperative in staying until this hour --it is a
15 quarter to six -- and I don't think there would be any point
16 in waiting 15 or 20 minutes and then having it played.
17 So I am requiring the lawyers to remain here to find that
18 portion and then we will play that for you the first thing
19 in the morning.

20 And with that we will take our adjournment for
21 the day, and I will ask you to please be inside so we can
22 start promptly at 10, and, as I have already suggested,
23 make arrangements to stay tomorrow night. We may have a
24 night session.

25 (Adjourned to Tuesday, September 23, 1975, at
10.00 a.m.)

1 DHjw

2 UNITED STATES OF AMERICA

3 v.

75 Cr. 333

4 JOSEPH BUGLIARELLI

5
6 September 23, 1975
10:00 A.M.
7
8

9 (Trial Resumed)

10 (In open court - jury present)

11
12 THE COURT: What was the problem getting
13 here on time?

14 MR. SCHATTEN: I had a problem that suddenly
15 came up that I had to deal with, your Honor, and I apologize.
16 I'm sorry.

17 MR. MUSOFF: Your Honor, may I approach the
18 bench at this time?

19 THE COURT: Yes. I guess the day wouldn't
20 start right unless you both approach the bench.

21 (At the side bar)

22 MR. MUSOFF: Your Honor, we have decided not
23 to play any portion of the tape and we are ready to proceed
24 with the cross examination of Mr. Blatus.

25 THE COURT: Is he here?

1 dhjw 2

2 MR. SCHATTEN: I understand he is late. He
3 should be here in five or ten minutes.

4 THE COURT: And why are you late?

5 MR. SCHATTEN: I'm sorry. Yesterday afternoon --

6 MR. MUSOFF: Can I finish my statement
7 before Mr. Schatten brings up a matter.

8 THE COURT: Suppose I instruct the jury now
9 that the balance of the tape will not be played.

10 MR. MUSOFF: Fine, your Honor.

11 (In open court)

12 THE COURT: We are taking care of some house-
13 keeping matters, ladies and gentlemen.

14 First, the balance of the tape which had been
15 requested to be played will not be played even though the
16 defendant asked that it be played, and I said it should
17 be played if he wanted to, and he decided it shouldn't
18 be played so that will end the tape recording before you.

19 What is the next matter?

20 (At the side bar)

21 MR. SCHATTEN: Yesterday after court I was
22 served with a subpoena by Mr. Musoff for certain material
23 in the IRS file, and that pertains to the arrest of Frank
24 Bugliarelli in 1956.

25 I would like to submit the material, that is,

1 dhjw 3

2 the subject of the subpoena, together with the subpoena
3 to the Court because I don't believe that under Rule 17
4 this constitutes evidentiary material.

5 Moreover, it would seem to the government that
6 under any circumstances a 1956 arrest is so remote in time
7 that the relevancy in this case would be most --

8 THE COURT: Nothing is before me yet.

9 MR. SCHATTEN: Let the record reflect that
10 I am turning over to the Court a copy of the material
11 that was turned over or material that I say would seem to
12 be arguably within the scope of the subpoena, together
13 with the subpoena that was served on me yesterday.

14 I ask the Court to examine it in camera to
15 make whatever ruling the Court deems appropriate.

16 THE COURT: Well, I don't know what it is
17 offered for yet. You just tell me that it is the arrest
18 record.

19 MR. SCHATTEN: No, it's an IRS file and it
20 pertains to Mr. Frank Bugliarelli. And the subject of the
21 subpoena was --

22 THE COURT: I don't see Frank Bugliarelli.

23 MR. SCHATTEN: If you go through it very
24 carefully there is a reference to him.

25 THE COURT: This is a Frank Soriceli.

1 dhjw 4

2 MR. SCHATTEN: One of the people involved
3 in that matter is Frank Bugliarelli.

4 THE COURT: The third page seems to have
5 nothing to do with it.

6 MR. SCHATTEN: After there is a detailed arrest
7 report and it takes place -- there's a 1957 report and a
8 1956 report.

9 I note that Sargeant Blatus is now in the
10 courtroom, your Honor.

11 MR. MUSOFF: Your Honor, you could defer that.
12 This won't be necessary until I'm ready to put on my
13 direct case.

14 However, we have an outstanding motion.

15 THE COURT: What's the motion?

16 MR. MUSOFF: The motion to strike all of Mr.
17 Blatus' testimony with regard to what he said to Mr. Tarallo
18 and what Mr. Tarallo said to him outside of Mr. Bugliarelli's
19 presence, if you recall.

20 MR. SCHATTEN: The government's position would
21 be that I think we more than amply connected the connection
22 between Mr. Tarallo, Mr. Bugliarelli in the course of that
23 tape recorded conversation and the testimony of Sargeant
24 Blatus, namely, the tape recording indicating that the
25 money that Mr. Bugliarelli paid was paid in connection with

1 dhjw

2 Mr. Tarallo's gambling --

3 THE COURT: It would seem to me that the
4 testimony that I admitted for a very limited purpose of
5 the defendant's activities in offering money would have no
6 meaning unless there was some relationship to events that
7 had taken place, particularly in the light of the separate
8 conversation that the defendant appears to have had with
9 Tarallo at the time.

10 I am prepared to instruct the jury again
11 that Tarallo's actions play no part in this case except
12 as it may be related to the activity of Bugliarelli at
13 that time.

14 MR. MUSOFF: Your Honor, I feel that it heightens
15 the prejudice which has already occurred by introducing the
16 tapes in the first place.

17 THE COURT: You keep on saying it heightens
18 the prejudice. I don't know of any theory of law that
19 forecloses the government from offering evidentiary matter.
20 Obviously it is offered for a definite purpose as far as
21 the defendant is concerned. To that extent, it is true,
22 it is prejudicial.

23 MR. MUSOFF: Also, your Honor, your Honor was
24 going to give a cautionary instruction to the jury with
25 regard to the statements and the fact that Mr. Bugliarelli

1 dhjw

2 said that he had an arrest record and prior arrests.

3 THE COURT: Didn't I?

4 MR. MUSOFF: I don't believe you did.

5 THE COURT: I did. I'm prepared to do it
6 again, but I was under the impression that I did. You are
7 entitled to it. I will do it now if you want me to.
8 If you want me to do it now, I will, and I will do it
9 again on the charge.

10 I was under the impression that I had.

11 MR. MUSOFF: I don't remember it.

12 THE COURT: If you want me to do it now, I
13 am prepared to do it now.

14 MR. MUSOFF: Would you, your Honor? I would
15 feel better.

16 MR. SCHATTEN: The last thing is I would like
17 to be permitted to ask the witness three or four more
18 questions on my direct examination.

19 THE COURT: All right.

20 (In open court)

21 THE COURT: Will you gentlemen come up,
22 please, a moment.

23 (At the side bar)

24 THE COURT: I am looking at the portion in the
25 transcript that you just referred to. Mr. Musoff, about the

1 dhjw

2 arrest record.

3 MR. SCHATTEN: It is further on, your Honor.
4 It is right before that. I believe it's on Page 11. There
5 it is. Three-quarters of the way down.

6 THE COURT: Isn't that the part you asked be
7 excised?

8 MR. MUSOFF: Now I recall.

9 THE COURT: Aren't you better off having it
10 excised?

11 MR. MUSOFF: You are right. I recall that now.
12 I'm sorry.

13 THE COURT: I knew there was something. You
14 are better off having it excised.

15 MR. MUSOFF: Yes. Thank you, your Honor.

16 THE COURT: You withdraw your request.

17 (In open court)

18 THE COURT: Where is the witness Blatus?

19 THE CLERK: He is in the courtroom, Judge.

20 J A M E S B L A T U S , resumed the stand,
21 having been previously sworn, testified further
22 as follows:

23 THE COURT: The government counsel has a
24 number of other questions to ask on direct examination and
25 then Mr. Musoff will cross examine the witness.

1 dhjw

Blatus - direct/cross

458

2 DIRECT EXAMINATION CONTINUED

3 BY MR. SCHATTEN:

4 Q Sargeant Blatus, at the time that you were
5 wearing a wire recording on February 11, 1972, that would
6 be with your consent and knowledge; is that correct?

7 A Yes, sir.

8 Q There came a time when you retired after nine-
9 teen years of service on the police force; is that correct?

10 A Yes.

11 Q Isn't it fairly unusual for a police officer
12 to retire after nineteen years on the police force?

13 A Well, it's not the normal procedure.

14 MR. SCHATTEN: No further questions.

15 CROSS EXAMINATION

16 BY MR. MUSOFF:

17 Q Mr. Blatus, I believe you testified that in
18 1972 you were assigned to the Public Morals Division of the
19 Police Department; is that correct?

20 A Yes, sir.

21 Q And the Public Morals Division when you were
22 with it had borough-wide jurisdiction to enforce the
23 gambling laws; isn't that so?

24 A Yes, sir.

25 Q The entire borough of the Bronx?

1 dhjw

Blatus - cross

2 A Yes.

3 Q Any other borough?

4 A It was a city-wide squad.

5 Q What was your squad, Mr. Blatus?

6 A I didn't hear you, counselor.

7 Q What was your squad in charge of? Which
8 portion of the borough, the entire borough of the Bronx?

9 A We worked on complaints given to us by the
10 committee also so it could take us any part of the city.

11 Q Any part of the city?

12 A Yes.

13 Q The entire City of New York?

14 A Yes.

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1 lpl

Blatus-cross

460

2 Q I see here by your police record that you were
3 first assigned to the Public Morals Division on
4 March 27, 1971, is that correct?

5 A No, that is not correct.

6 Q May I show you your record and see if it
7 refreshes your recollection?

8 THE COURT: The witness has not stated he
9 requires any refreshment of recollection. He says it is
10 not correct.

11 Q What date do you say it was?

12 A The Public Morals Division?

13 Q Yes.

14 A November, 1970.

15 Q November, 1970?

16 A Yes.

17 Q All right, I will accept that.

18 A Thank you.

19 Q No prior to February 11, 1972, visit to 255
20 East 151st Street in the Bronx, neither you nor any of
21 the men in your command that day had ever met with or
22 knew Joseph Bugliarelli, is that correct?

23 A I could only speak for myself. I can't speak
24 for any of the men.

25 Q Then speak for yourself.

1 lp2

Blatus-cross

2 A I didn't know Bugliarelli until the day I saw
3 him walking in the hallway into the apartment, or
4 Tarallo.

5 Q Please confine your remarks to Mr. Joseph
6 Bugliarelli. He is the defendant here.

7 A Yes, sir.

8 MR. SCHATTEN: I would object to that, your
9 Honor, that kind of instruction from counsel.

10 THE COURT: Proceed.

11 Q As a matter of fact, the first time that you
12 learned that there was gambling activity being conducted on
13 those premises that you raided on February 11, 1972, was
14 only four days earlier, is that correct?

15 A That is incorrect.

16 Q Tell me the date.

17 A Approximately 15 minutes before I left the office
18 on the date of February 11.

19 You are asking me, counsellor, right?

20 Q Yes, I am asking you.

21 So that you personally knew of no gambling
22 activity concerning those premises prior to 15 minutes
23 before you arrived on February 11, 1972, is that correct?

24 A No. 15 minutes before I left the office.

25 Q 15 minutes before you left the office on February

1 lp

2 11, 1972?

3 A Right.

4 Q Do you personally know the first day that those
5 premises were placed under surveillance?

6 A No, I don't.

7 Q Now, when Mr. Bugliarelli entered the premises
8 he had not committed any gambling violation, did he?

9 A No, sir.

10 Q And even after you searched him you found no
11 evidence that he had been engaged in gambling activity,
12 isn't that correct?

13 A That is correct.

14 Q And after all the events of that day had been
15 concluded, including your obscenities, Mr. Bugliarelli still
16 had not committed any gambling violation, is that correct?

17 MR. SCHATTEN: I object to some of the phraseology
18 Mr. Musoff is using.

19 THE COURT: Yes, eliminate that portion.

20 Q All right, I will eliminate the obscenities
21 that you spoke of --

22 MR. SCHATTEN: Your Honor --

23 THE COURT: Well, there were obscenities on the
24 part of other persons, too. Let's not spend any time on
25 this.

1p

Blatus-cross

463

BY MR. MUSOFF:

Q And after all the events of that day were concluded Mr. Bugliarelli still had not committed any gambling violation, isn't that correct?

A No, sir, that is correct.

Q That is correct?

A Yes.

Q So it is correct to state that during your entire assignment for the Public Morals Division from November of 1970 right through until February 11, 1972, you personally never observed Mr. Bugliarelli engage in any gambling activities?

A That is right.

Q And your duties took you all over the City of New York during that period of time, didn't they?

A Yes, sir.

Q By the way, what is your present occupation?

A I am unemployed right now.

Q Where do you reside?

A 7701 Starkey Road, Seminole, Florida.

Q Mr. Bugliarelli isn't the only person who goes to Florida --

THE COURT: The jury is instructed to disregard counsel's comment.

1 lp

Blatus-cross

464

2 Q How were you first notified that you would be
3 called as a witness in this case?

4 A By a Federal subpoena.

5 Q And what did you do after you received that
6 subpoena?

7 A I called the attorney's office upon service
8 and asked for a month's delay.

9 Q Did you also speak to a lawyer?

10 A Yes, I did.

11 Q For what purpose did you speak to a lawyer?

12 MR. SCHATTEN: I will object, your Honor.

13 THE COURT: I will allow it.

14 You may answer.

15 THE WITNESS: May I answer?

16 THE COURT: Yes.

17 A I didn't want to leave my family.

18 Q In other words, you spoke to the lawyer to try
19 to quash the subpoena?

20 A To squash the subpoena?

21 Q To quash it.

22 A To get an adjournment. I told the District
23 Attorney I would be up here if he could give me a month,
24 and if he wouldn't give me a month, I wouldn't come.

25 Q And you engaged an attorney to see whether you

ip

Blatus-cross

465

1
2 could get a delay?

3 A Yes.

4 Q Did you engage him also to see whether you
5 could not be called at all, if possible?

6 A Yes.

7 Q Was that because you had a fear of coming in
8 here and testifying?

9 A No.

10 Q You did not have a fear that perhaps when you
11 received a subpoena you might be a target of a criminal
12 investigation?

13 A No, because it said I was a witness in the
14 investigation for the U.S. Government.

15 Q Did you ever accept an illegal gratuity or bribe
16 while you were a police officer?

17 A In my whole 20 years?

18 Q Yes.

19 MR. SCHATTEN: I will object to that question,
20 your Honor.

21 THE COURT: I will allow it.

22 MR. MUSOFF: I am waiting for an answer.

23 A I don't know if I could answer that without
24 the advice of my counsel.

25 Q In other words, you are asserting your Fifth

1 lp

Blatus-cross

466

2 Amendment right against self-incrimination as a basis for
3 not replying?

4 A No. I just want to ask my lawyer before I
5 answer that question.

6 Q You need a lawyer before you answer the
7 question?

8 THE COURT: He didn't say he needs a lawyer.
9 He said he wants to consult a lawyer.

10 Please don't misquote the testimony.

11 Q Will you tell us what the term "Sergeant's
12 Club" means?

13 A "Sergeant's Club" could mean several things.
14 One, a Sergeant's Club could mean a social gathering of
15 Sergeants, or it could mean a Sergeant's Club for illegal
16 activities.

17 Q Were you ever a member of the 114th Precinct
18 Sergeant's Club for illegal activities, not social purposes?

19 A I would like to speak to my lawyer before I
20 answer that question.

21 Q What is the Internal Affairs Division of the
22 Police Department?

23 A It is a division assigned by the Police Depart-
24 ment to investigate primarily police corruption and police
25

1 lp

Blatus-cross

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2 misconduct.

3 Q Were you ever the subject of investigation by
4 the Internal Affairs Division?

5 A I was never notified that I was a subject of an
6 investigation.

7 Q Did you suspect that you were?

8 A Not really.

9 Q Now, as Mr. Schatten brought out in his
10 direct examination, according to your police records,
11 although you had approximately only one year to go for
12 regular retirement, you waived the balance of your vacation
13 time and you put in your papers and left the Force on
14 September 9, 1974, isn't that so?

15 A That's correct.

16 Q And as a result you are now receiving a reduced,
17 or what is known as a vested pension?

18 A A vested interest pension, according to our
19 Police contract.

20 Q And that is a reduced pension?

21 A In my case very slightly reduced.

22 Q And the reason for your hasty departure from
23 the Police Department, was it your involvement in the
24 Sergeant's Club?

25 A No, sir.

1 lp

Blatus-cross

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2 Q Was it the fact that Mr. Jajari, the special
3 prosecutor of the City of New York, was interested in whether
4 or not you had tampered with evidence?

5 A I have no knowledge of that.

6 When you say tampered with evidence --

7 Q Tampered with the wire recorder.

8 A No. I was just told by a District Attorney or
9 by somebody since I am down here that the case in the
10 Bronx concerning this wire was referred to Najari's office,
11 who after investigating it, passed it down to somebody else,
12 who after investigating it referred it to the Internal
13 Affairs, who after investigating it presented it, put it
14 to the Local Inspector, who dismissed it.

15 Q Well, we will see whether he dismissed it.

16 A But at no time -- and I say this -- at no time
17 was I ever accused of tampering with that tape.

18 Q Did you ever tamper with any evidence?

19 A No.

20 Q Now on February 11, 1972, you had a recording
21 device on your person, isn't that correct?

22 A Yes.

23 Q Were you in sole control of that device while
24 it was on your person?

25 A Yes.

1p

Blatus-cross

469

2 Q No one else could have had access to that device
3 while you were wearing it?

4 A Nobody.

5 Q And when you went to the premises on February
6 11, 1972, you never left the premises until you took both
7 Vincent Tarallo and Mr. Bugliarelli to your automobile
8 that day, is that correct?

9 A I said I don't remember leaving the premises.

10 Q You don't remember leaving the premises?

11 A I don't recall leaving the premises.

12 Q But the recording device was on your person
13 at all times during this period of time, is that correct?

14 A Yes, sir.

15 Q Are you now aware that this wire recording and
16 that device that you were wearing on February 11 had been
17 tampered with to a certain extent?

18 A I am not aware of that.

19 Q Are you now aware that it had been altered in
20 some way?

21 A It wasn't altered by me or anybody that I know
22 of, if it was altered.

23 Q Didn't the Internal Affairs of the Police
24 Department investigate the matter and found that that
25 wire had been altered to some degree?

1 lp

Blatus-cross

470

2 A You will have to ask him; I have no knowledge
3 of that.

4 Q You have no knowledge?

5 A No.

6 Q What did you do with the original wire recording
7 after the events of February 11, 1972, had been concluded?

8 A I brought it back to the PMD office and I
9 tried to get somebody to make a copy of the wire, because
10 there was no place that had facilities to make a copy of
11 this here wire machine, because it is an antiquated machine
12 and it requires special fittings to attach it into a tape
13 recorder.

14 Q What did you do with that original wire record-
15 ing?

16 A I brought it to the District Attorney's Office
17 and had them make a copy for me on their equipment.

18 Q How soon after February 11, 1972?

19 A I don't recall. Maybe a week or maybe the
20 same day, I don't recall when.

21 Q Do you recall telling Assistant District Attorney
22 Roger Milch that you turned it over to Patrolman John the
23 following Monday after February 11, 1972?

24 A No. I don't know if I turned over the tape
25 or a wire or a copy; I don't recall.

lp

Blatus-cross

Q At this point you don't recall?

A No.

Q I would like to show you an excerpt of a report from the Internal Affairs Division and ask you whether or not that refreshes your recollection as to what happened.

Does it?

A No.

Q This indicates that you stated to Assistant District Attorney Milch --

MR. SCHATTEN: I object.

THE COURT: Objection sustained.

I think instead of looking at papers there you ought to listen to the questions.

Q You don't recall saying that to Assistant District Attorney Milch?

A No, not right now, I really don't remember.

Q Do you recall that you held on to that original wire recording from February 11, 1972, for approximately 40 days until March 23, 1972?

A That tape would be in the PMD office. It would be kept in our locker. That was more usual than unusual, counsellor, when you worked for headquarters at that time.

Q It was kept under your personal control?

lp

Blatus-cross

A Yes, sir.

Q For approximately 40 days?

A Well, whatever.

Q Whatever the date is, would you accept March 23, 1972, as reflected in the police records?

MR. SCHATTEN: I object, your Honor.

THE COURT: Objection sustained.

A Well, I can tell you, counsel --

MR. SCHATTEN: I object.

THE WITNESS: Oh, sustained? I am sorry.

THE COURT: Put the question, please.

BY MR. MUSOFF:

Q I say, was that original wire recording in your possession for approximately 40 days after February 11, 1972?

A Either mine or the captain's.

Q Did you tamper with that wire recorder?

A Never. I had no purpose at all to tamper with that wire, and I don't know of anybody who did, counsellor.

Q Is your position still the same with regard to whether or not you care to answer about whether or not you ever accepted a bribe or an illegal gratuity during your period on the Force?

A I accept a lot of bribes in the performance of

1 lp

2 my duty.

3 Q Illegal, I said.

4 A You said illegal gratuity, but you also said
5 bribe.

6 Q Illegal gratuity and --

7 A I would like to speak to my lawyer.

8 Q Before you answer that?

9 A Yes, I would.

10 Q And you would also like to speak to your lawyer
11 before you answer as to whether or not you were a member
12 of the Sergeant's Club For Illegal Purposes?

13 A Yes, I would, counsel.

14 MR. MUSOFF: No further questions, your Honor.

15 THE COURT: Redirect?

16 REDIRECT EXAMINATION

17 BY MR. SCHATTEN:

18 Q As you testify here today do you have any
19 doubt that a portion of the tape or wire recording in which
20 Mr. Bugliarelli's voice appeared has been tampered with;
21 that is, has it been clear to you that there has been
22 absolutely no tampering whatever of the wire recording
23 on which Mr. Bugliarelli's voice appears?

24 MR. MUSOFF: Objection.

25 THE COURT: Overruled, in the light of your

1 lp

2 questioning.

3 A Mr. Schatten, as far as I know and as far as
4 I could testify under oath, I do not know of anyone that
5 tampered with that tape, nor did I tamper with that tape.

6 Q And it is therefore correct, is it not, that
7 no portion of any wire recording in which Mr. Bugliarelli's
8 voice appears has been tampered with, isn't that right?

9 A That is correct.

10 Q Now, on February 11, 1972, Mr. Bugliarelli told
11 you that he was in control of the pad that you were at, is
12 that correct?

13 A He didn't say he was in control of the pad.
14 He didn't use them words.

1 DHJw 1

Blatus - redirect

475

2 Q He told you he wanted to sell you the pad,
3 though, right?

4 A He said he wanted to put me on the pad. Would
5 I like to go on the pad, yes.

6 Q That meant to you that he wanted to give
7 you money so that you would allow that gambling operation
8 to continue?

9 MR. MUSOFF: Objection, your Honor.

10 THE COURT: It's in evidence. The witness
11 testified to that on direct examination. Let's not go over
12 it because he questioned him on cross. He's already
13 testified to that. You both have the habit of repeating
14 matters that are in evidence.

15 Q I believe Mr. Musoff got into the point about
16 the structure of the police force and I want to refer you
17 to page 7 of the transcript which is in evidence, Government's
18 Exhibit 9.

19 Mr. Bugliarelli at that point says, "I am a
20 cousin. I definitely am a cousin. In other words, the
21 division went into the borough headquarters."

22 That statement referred to a recent change in
23 the organization's structure.

24 MR. MUSOFF: Your Honor, I object to the form
25 of the question.

1 dhjw 2

Blatus - redirect

2 THE COURT: That is a question he is putting
3 to him.

4 Q That statement referred to a change in the
5 Bronx headquarters that had taken place?

6 MR. MUSOFF: Objection, your Honor. That is
7 beyond the scope.

8 THE COURT: You raised the question with him.
9 I will allow him to answer.

10 A I can answer?

11 THE COURT: Yes.

12 A The borough of the Bronx just prior to that
13 had been divided into divisions. I don't recall having --
14 I think it was three divisions. And there was some structural
15 change in the divisions where they eliminated -- they placed
16 them all under one borough command. They eliminated the
17 divisions.

18 Q Mr. Bugliarelli was telling you that he knew
19 that; is that correct?

20 A Right, that he knew that.

21 Q Was this information that was being widely
22 demonstrated at that time?

23 A No, it wasn't. There might have been a press
24 release. I can't tell you correctly. I really don't know.

25 Q And Mr. Bugliarelli in the course of the

1 dhjw 3

Blatus - redirect

2 conversation --

3 THE COURT: Now, you are going over matter
4 that is before the jury already. I am going to hold
5 both counsel to proper questioning on direct and cross.

6 Q Isn't it a fact that one of the matters for
7 which you arrested Mr. Bugliarelli on February 11, 1972,
8 was for gambling; isn't that right?

9 A The matter I arrested him for was gambling?

10 Q Yes.

11 A No, I only charged him with bribery. I don't
12 recall what the charge was in the precinct.

13 Q Didn't you tell the desk officer that you
14 have two for gambling?

15 A Yes. We had two for gambling. Well, when
16 Mr. Bugliarelli approached me in front of the stationhouse
17 and expressed a desire to just get locked up for policy and
18 to give me -- for somebody to call up and get the okay
19 for him, my concern then switched to police corruption.

20 Q In other words, you wanted to find out who
21 Mr. Bugliarelli was paying off so you could find out who
22 the corrupt policeman was that Mr. Bugliarelli was corrupting?

23 A Right.

24 Q Would you explain your answer?

25 A If I went to the stationhouse, I would just say

XX

1 dhjw 4

Blatus - redirect/recross

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2 two for gambling, not to let the desk officer or anybody
3 else know before I could call my boss, to see what he could
4 say about it. This was considered an important matter.

5 Q I understand.

6 A If I had walked in and said -- should I continue?

7 Q Yes.

8 A -- two for gambling and two for bribery, then
9 Bugliarelli's attempts to have me throw the bribery out
10 would have been killed at that time. I would have ended
11 everything.

12 Q So whereas in fact you had arrested him for
13 bribery, you advised the sargeant at the desk that he was
14 under arrest for gambling; is that correct?

15 A Yes.

16 Q And this was in an effort to discovery the
17 people who Mr. Bugliarelli was paying off previously when
18 he told you he was paying off at the rate of \$125 a month;
19 isn't that right?

20 A Yes, sir.

21 MR.SCHATTEN: No further questions.

22 RECROSS EXAMINATION

23 BY MR. MUSOFF:

24 Q Isn't it a fact, Mr. Blatus, that Mr. Bugliarelli
25 didn't name any names of anyone that he allegedly paid off?

1 dhjw 5 Blatus - recross
2 A Nobody. He didn't name anybody.
3 Q He didn't name anyone?
4 A No, sir.
5 Q Did anybody from that precinct, any of the
6 police officers, approach him in recognition of him?
7 A Not that I recall. No. Nobody called him,
8 "Hello, Joe."
9 Is that what you mean?
10 Q Right.
11 A No.
12 Q Nobody approached him or appeared to
13 recognize him?
14 A No, sir.
15 Q Did anybody approach you, any police officer
16 approach you and attempt to intercede on Mr. Bugliarelli's
17 behalf?
18 A If they did it would have been on the tape.
19 Q So nobody did?
20 A Nobody did.
21 Q By the way, did you make misleading statements
22 to Assistant District Attorney Milch in the prosecution
23 of Mr. Bugliarelli for that bribery arrest?
24 A Not intentionally. You have to tell me what
25 statements you are talking about.

1 dhjw 6

Blatus - recross

2 Q I have a report from the Police Department
3 that indicates just --

4 MR. SCHATTEN: I object.

5 THE COURT: Sustained. You are not getting
6 that into evidence that way, counsel. You know better
7 than that. Please.

8 MR. MUSOFF: I'm sorry, your Honor.

9 THE COURT: Put the questions to the witness.
10 He has been interrogated, he is giving the evidence. He
11 is under oath.

12 Q To the best of your recollection, do you
13 recall making any misleading statements to Assistant
14 District Attorney Robert Milch regarding the circumstances
15 of Mr. Bugliarelli's arrest?

16 A The circumstances of his arrest?

17 Q Or anything to do with that bribery case.

18 A I tried to testify with Mr. Milch in the Bronx
19 to the best of my ability, without making any misleading
20 statements.

21 Q And there is no doubt in your mind that the
22 case was a bribery case, not a gambling case?

23 A For Bugliarelli it was a bribery case.

24 Q Mr. Bugliarelli.

25 MR. MUSOFF: No further questions, your Honor.

1 dhjw 7

Blatus - redirect

2 THE COURT: What are you going to continue
3 now?

4 MR. SCHATTEN: I'm just going to ask him about
5 what Mr. Bugliarelli said when he told him that he wasn't
6 going to tell about other people.

7 I think Mr. Musoff has created something of
8 a misleading impression and I would like to square it
9 away.

10 THE COURT: Put a question that is related
11 directly to the subject matter of recross examination.
12 Both of you are going to keep within limits here.

13 REDIRECT EXAMINATION

14 BY MR. SCHATTEN:

15 Q When you inquired of Mr. Bugliarelli, when
16 you asked of Mr. Bugliarelli, the policemen that he knows,
17 didn't he --

18 MR. MUSOFF: Excuse me, your Honor. I can't
19 see the witness with Mr. Schatten standing there.

20 Q When you asked about Mr. Bugliarelli to find
21 out about the policemen whom he was paying off and the
22 policemen he wanted you to contact, to inquire about him,
23 didn't he tell you "I ain't going to open up on nobody,
24 I'm no (explicative deleted) stool pigeon"?

25 A Yes, that's what he said.

1 dhjw 8

Blatus - redirect

2 Q And he asked you to inquire of your men in
3 order to try to get you to try to drop his bribery arrest
4 and arrest him for gambling; isn't that right?

5 A Yes, he just wanted to be arrested for policy.

6 Q He said, "If you made inquiries," he said,
7 "a lot of good people will talk to you, they will tell you
8 about me."

9 Didn't he say that?

10 A Yes, sir.

11 MR. SCHATTEN: No further questions.

12 THE COURT: All right. The witness may step
13 down.

14 (Witness excused)

15 THE COURT: Please call the next witness.

16 MR. SCHATTEN: The government calls Mr. William
17 John.

18 MR. MUSOFF: Your Honor, before that witness
19 is sworn, may I approach the bench?

20 THE COURT: Can't we get the witness sworn
21 and move along?

22 MR. MUSOFF: I have a problem. I have issued
23 a subpoena.

24 THE COURT: If you have a problem, come up.

25 (At the side bar)

1 dhjw 9

2 MR. MUSOFF: Your Honor, I caused a subpoena
3 to be issued upon the Assistant Attorney Rogert Milch.
4 My process server is up there now with the subpoena,
5 and we are informed by telephone that the Assistant
6 District Attorney refuses to honor that subpoena.

7 I respectfully request that a warrant be
8 issued and that he be compelled to appear this afternoon
9 at 2:00 p.m., which is the return date on the subpoena.

10 THE COURT: If you submit an affidavit of
11 service to show that you complied with the rules and gave
12 the witness proper notice, tendered him his fees, I will act
13 upon the application then. You didn't apply to the Court
14 for the subpoena.

15 MR. MUSOFF: I got it from the court clerk.

16 THE COURT: Are you entitled to issue a forthwith
17 subpoena from the clerk of the court?

18 MR. MUSOFF: I'm sorry, Judge. I should have
19 donedone that.

20 THE COURT: You draw up a proper affidavit and
21 comply with the rules.

22 MR. SCHATTEN: I should state for the record
23 that I was served with a similar forthwith subpoena.

24 THE COURT: I am going to tell you now
25 we are not going to try a case within a case. That is

1 dhjw 10

2 apart from any question of the admissibility of the
3 evidence. You make a proper application. There is a proper
4 way to serve a subpoena. You don't issue forthwith subpoenas
5 on your own.

6 MR. MUSOFF: May I please apply for one now?

7 THE COURT: No, you have to give me an
8 affidavit setting forth the material of the witness'
9 testimony. I am not issuing forthwith subpoenas on simple
10 requests that way.

11 There is abuse of that process here...
12 When I say "here," I am not talking directly of this case,
13 generally. The custom has come into vogue. Where people
14 issue forthwith subpoenas they pay no attention to the
15 rules and without regard to the convenience of the parties
16 affected, and in utter disregard as to whether or
17 not the testimony of the witness is material or relevant.

18 We will proceed with the case.

19 MR. MUSOFF: Judge, may I just add one thing?

20 THE COURT: You are not going to argue any more.
21 Stop it. Now, you are interrupting the trial.

22 MR. MUSOFF: I'm sorry.

23 (In open court)

24 THE COURT: Where is your next witness?

25 MR. SCHATTEN: I understand he's on his way.

1 dhjw 11

2 THE COURT: What is this? He's on his way.
3 I have insisted that the witnesses be here on time. You
4 were late this morning. I indicated to you that there is
5 a time factor in this case and there is no reason why the
6 witnesses aren't here.

7 MR. SCHATTEN: I'm going to have Mr. Dick
8 quickly bring him here, your Honor.

9 THE COURT: Do you have another witness?

10 MR. SCHATTEN: Your Honor, I have two more
11 witnesses, both of whom enroute and I would think that
12 they would be here within --

13 THE COURT: I don't know why you fix these
14 times to serve the witness' convenience. It is the
15 convenience of the jury and the Court. And the
16 expeditious progress of the trial that counts.

17 We will take a short recess, members of the
18 jury.

19 (Recess)

20 (Jury absent)

21 MR. SCHATTEN: Let the record reflect that out
22 of the presence of the jury I am turning over to Mr. Musoff
23 3538-A, which is the grand jury testimony of Morton Dick.

24 The record should further reflect that I have
25 previously turned over to Mr. Musoff the charts, that were

1 dhjw 12

2 prepared by Mr. Gene Moran.

3 The record should further reflect that right
4 before Mr. Mannherz was called as a witness I turned over
5 to Mr. Musoff a copy of a financial report of Mr. Mannherz
6 that pertained to Schweickart & Company.

7 The record should reflect that in the presence
8 of Mr. Musoff I'm turning over 3580 which are handwritten
9 notes of Mr. Moran for the year 1970.

10 3581, handwritten notes of Mr. Moran for the
11 year 1971.

12 (Jury present)

13 MR. SCHATTEN: The government calls Mr. William
14 John, your Honor.
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1 lpl

2 W I L L I A M J O H N, called as a witness on
3 behalf of the government, being first duly
4 sworn, testified as follows:

5 THE COURT: Proceed.

6 DIRECT EXAMINATION

7 BY MR. SCHATTEN:

8 Q What is your position, Mr. John?

9 A I am a Police Officer, Police Department, City
10 of New York.

11 Q How long have you been with the City of New
12 York Police Department?

13 A Six years.

14 Q I want to direct your attention to February 11,
15 1972. Did you have occasion to visit the premises of 255
16 East 151st Street?

17 A Yes, I did.

18 Q On that occasion did you accompany Sergeant
19 Blatus and two other police officers?

20 A Yes, I did.

21 Q And at that particular time did you have
22 occasion to see Vincent Tarallo at the premises of 255
23 East 151st Street?

24 A Yes.

25 MR. MUSOFF: Objection, your Honor -- well, I

1 lp2

John-direct

2 will withdraw it.

3 Q What else did you find in the premises?

4 A I found contraband for which we effected an
5 arrest.

6 Q That is gambling records, is that correct?

7 A Yes.

8 Q And Mr. Tarallo was placed under arrest
9 gambling materials, is that correct?

10 A Yes.

11 Q Subsequent to Mr. Tarallo's arrest did Mr.
12 Joseph Bugliarelli come in to the premises?

13 A Yes, he did.

14 Q Do you see Mr. Bugliarelli in court?

15 A Yes.

16 Q Will you point him out to the Court and jury?

17 MR. MUSOFF: Identification is conceded, your
18 Honor.

19 THE COURT: Proceed.

20 Q Now, there came a time in the course of that
21 meeting on February 11, 1972, when Mr. Bugliarelli gave
22 Sergeant Blatus \$200 to drop the arrest of Mr. Bugliarelli
23 and to take back certain gambling records, isn't that correct?

24 A Yes.

25 MR. MUSOFF: Objection, your Honor.

lp

John-direct

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THE COURT: You are leading the witness.

Objection sustained.

Q Did there come a time --

MR. MUSOFF: And may I also, your Honor, note for the record in addition to that that I object to the entire subject matter as being irrelevant to this income tax evasion.

THE COURT: I hold that it is relevant and it is being received, as I instructed the jury yesterday, for the very limited purpose to permit the government to establish a source of income and not to consider any aspect of the legality or illegality of the activity referred to.

BY MR. SCHATTEN:

Q Did there come a time in the course of February 11, 1972, when Mr. Bugliarelli was arrested?

A Yes.

Q For what was he arrested?

A Bribery.

Q That was because he gave \$200 to Sergeant Blatus to drop the arrest of Mr. Tarallo and to obtain certain gambling records back, is that correct?

A That is correct.

Q Now, there came a time when Mr. Bugliarelli was taken to the station house, is that correct?

A Yes.

1p

John-direct

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Q Now, during the course of February 11, 1972, Sergeant Blatus was wearing a wire recorder, is that correct?

A Yes, it is.

Q And you have subsequently listened to the wire redording, is that correct?

A I have.

Q In fact, you listened to it very shortly after February 11, 1972, is that correct?

A Yes, I did.

Q And was that wire recording an actual recording of the events that took place at the premises of 255 East 153rd Street, Bronx, New York, on February 11, 1972, when Mr. Bugliarelli was there and Mr. Tarallo was there?

A Yes, it is.

Q Now, you prepared the transcript, did you not, that is in evidence here as Government's Exhibit 9, I believe it is?

MR. MUSOFF: Your Honor, the transcript is not in evidence. It is an aidememoir to the jury.

THE COURT: It is in evidence as an aide memoir.

MR. MUSOFF: Okay.

BY MR. SCHATTEN:

Q You prepared that transcript, is that correct?

A I did.

1 lp

2 Q And to the best of your knowledge did that
3 accurately reflect the events that occurred with respect
4 to which the transcript relates?

5 A Yes.

6 Q And it reflected accurately, does it not, the
7 conversation on the tape and the conversation with Mr.
8 Bugliarelli that took place on February 11, 1972, is that
9 correct?

10 A Yes, sir.

11 MR. SCHATTEN: I have no further questions.

12 THE WITNESS: Counsellor, I believe you said
13 1972. I think it is 1971.

14 Q February 11, 1972.

15 Let me show you a transcript and ask you if
16 that refreshes your recollection?

17 A I am sorry.

18 Q It is February 11, 1972, is that correct?

19 A Yes.

20 MR. SCHATTEN: I have no further questions.

21 CROSS EXAMINATION

22 BY MR. MUSOFF:

23 Q Officer John, isn't it a fact that you never
24 observed Mr. Bugliarelli engage in any gambling activity
25 whatsoever during the years 1970 and 1971?

lp

John-cross

492

1
2 A That is correct.

3 Q And isn't it true that you never observed Mr.
4 Bugliarelli engage in gambling activities on February 11,
5 1972? That was the day of the raid.

6 A That is correct.

7 Q And the same thing holds true for any period of
8 time in 1972, isn't that so?

9 A Yes, sir.

10 Q In fact, the earliest time that gambling
11 activity at 255 East 153rd Street -- that is the premises
12 that was raided -- was observed was on February 7, 1972,
13 when you made out the affidavit for the search warrant of
14 those premises; isn't that correct?

15 A There had been activity observed previously, sir,
16 but the first time I had initiated the investigations was
17 on February 7.

18 Q What is the earliest known time that you are
19 aware of that gambling activity was observed on the
20 premises?

21 A I believe it was about a week prior -- a week
22 or two weeks prior to the arrest.

23 Q A week or two weeks prior to the arrest?

24 A Yes.

25 Q And that was Vincent Tarallo's gambling activities.

1 lp John-cross 493
2 and not the gambling activities on the part of Mr. Bug-
3 liarelli, is that right?
4 MR. SCHATTEN: I object to that. That calls
5 for a conclusion of the witness.
6 THE COURT: He may answer if he knows.
7 A I believe so.
8 Q You believe so?
9 A Yes.
10 Q Now, on February 11, 1972, the day of the raid,
11 you weren't wearing a recording device?
12 A No, sir.
13 Q Only Mr. Blatus was wearing one, right?
14 A That is right.
15 Q And that was on his person?
16 A That is correct.
17 Q And he was in sole control of that, isn't that
18 so?
19 A Yes, sir.
20 Q Isn't it a fact that when Mr. Blatus was talking
21 to Mr. Bugliarelli you were out of earshot?
22 A I heard portions of the conversation. I was
23 not out of earshot at the time.
24 Q Were the portions that you heard extremely minor?
25 MR. SCHATTEN: I object.

1p

John-cross

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2 THE COURT: Extremely what?

3 MR. MUSOFF: Minor.

4 THE COURT: I don't know what that means.

5 Maybe the witness does.

6 Q Do you know what I mean by that?

7 A I believe so. I did hear portions which I
8 don't consider to be minor.

9 Q Now, what I meant --

10 MR. SCHATTEN: I object. He got an answer.

11 THE COURT: You asked the witness if he knows
12 that you mean.

13 Q In other words, most of the time that Mr. Bug-
14 liarelli was speaking to Mr. Blatus you were without ear-
15 shot; would that be a fair statement?

16 MR. SCHATTEN: I don't understand the question.

17 Q For the period of time, for most of the period of
18 time that Mr. Blatus was engaged in conversation with Mr.
19 Bugliarelli, were you within earshot or out of earshot?

20 A I would say out of earshot for most of the con-
21 versation.

22 Q So that while you were on the premises you
23 couldn't hear most of the actual conversation that was
24 taking place between Mr. Bugliarelli and Mr. Blatus, is
25 that true?

1 lp

John-cross

495

2 A That is correct.

3 Q Now, after the events of February 11, 1972,
4 ended, who had possession of the original wire recording?

5 A Sergeant Blatus.

6 Q And when did you receive the original
7 recording from him? Approximately how long after February
8 11?9 A It was on or about March 23, which is the date
10 I brought it to the Manhattan Property Clerk's Office.11 Q To your knowledge, was Mr. Blatus violating
12 police procedures by retaining that original recording in
13 his possession for that length of time?

14 MR. SCHATTEN: Objection.

15 THE COURT: Objection sustained.

16 Q In fact, you had a discussion with Assistant
17 District Attorney Milch concerning this, didn't you?

18 A Yes, I did.

19 Q And didn't Mr. Milch tell you that --

20 MR. SCHATTEN: Objection, your Honor.

21 THE COURT: Make an offer of proof at the bench,
22 please.

23 (At the bench.)

24 MR. MUSOFF: Your Honor, Mr. Blatus was a witness,
25 and he testified, and I am entitled to show bad character

1 lp

John-cross

496

2 and impeach him as a witness. I have in my possession an
3 excerpt of a police record which your Honor turned over to
4 me late yesterday afternoon stating --

5 THE COURT: This witness has not testified to
6 the character of Mr. Blatus.

7 MR. MUSOFF: Your Honor, he will show that
8 Sergeant Blatus lied --

9 THE COURT: Who will show?

10 MR. MUSOFF: This witness.

11 THE COURT: Well, question him about it.
12 Question the witness.

13 MR. MUSOFF: I am setting a background for it.

14 THE COURT: You will question him as to what his
15 testimony is and the jury will decide who is telling the
16 truth, not what somebody else says.

17 MR. MUSOFF: Well, the Assistant --

18 THE COURT: Don't argue any more. The Assistant
19 District Attorney wasn't there.

20 Will you please examine this witness according
21 to the rules.

22 Will you go and continue with your cross-
23 examination?

24 MR. MUSOFF: Yes, your Honor. I apologize if

25 I --

1p

John-cross

497

THE COURT: Don't apologize. Just conduct the examination.

(End of bench discussion.)

BY MR. MUSOFF:

Q Did Mr. Blatus inform Assistant District Attorney Milch --

MR. SCHATTEN: Objection.

Q -- that he had turned over the original --

MR. SCHATTEN: Objection.

MR. MUSOFF: Could I finish the question?

MR. SCHATTEN: I think the question is --

THE COURT: Let him finish the question.

Both of you are really prolonging this trial unnecessarily.

Please follow the rules.

BY MR. MUSOFF:

Q Did there come a time, Officer John, when Mr. Blatus told Assistant District Attorney Milch that he had turned the original recording over to you on the Monday following the raid on February 11, 1972?

MR. SCHATTEN: Objection.

THE COURT: Read the question.

(Question read.)

THE COURT: If he was present.

1p

John-cross

498

Were you present?

MR. WITNESS: No, sir.

THE COURT: Objection sustained.

Now, please, there is something going on at defense counsel table that results in an interruption of this trial and interferes with the questioning. There have been any number of incidents that account for the delay that is going on, and it is going to stop. I say that both with respect to the prosecution and the defense.

Put your next question, please, and do it within the rules.

BY MR. MUSOFF:

Q Are you now aware that the original wire recording has been tampered with or altered to some extent?

A That information was related to me by the Assistant District Attorney, allegations to the same effect.

Q By Roger Milch?

A Yes.

MR. SCHATTEN: I object and move to strike it.

THE COURT: I think you ought to make your objection before the witness answers.

BY THE COURT:

Q Do you know that of your own knowledge?

A No, sir.

lp

John-cross

499

THE COURT: The objection is sustained and the answer is stricken.

MR. MUSOFF: No further questions.

REDIRECT EXAMINATION

BY MR. SCHATTEN:

Q What is the earliest date that that gambling operation that you have testified about was in existence?

MR. MUSOFF: That has been asked and answered, your Honor.

MR. SCHATTEN: It was gone into on cross-examination. I am allowed to explore it.

THE COURT: Overruled.

A Meaning myself?

Q Based on whatever information has come to you?

A I would say approximately two weeks, a week, two weeks before the investigation was made.

Q I am talking about the gambling operation in general.

MR. MUSOFF: Your Honor, I object to the form of that question: "I am talking about the gambling operation in general." I don't understand that.

THE COURT: Sustained.

Q Based on your information that has come to you as a police officer, what is the earliest that the gambling

1 lp

John-redirect

500

2 operation which on the particular day in question was
3 being conducted at 255 East 151st Street was in operation?

4 MR.MUSOFF: Objection, your Honor.

5 THE COURT: Objection sustained.

6 MR. MUSOFF: Is he trying to substitute --

7 THE COURT: I sustained the objection.

8 MR. MUSOFF: I am sorry.

9 Q To your personal knowledge of the case, you
10 testified you learned in two weeks you were not doing
11 surveillance prior to the two weeks before you made the
12 arrest of Mr. Bugliarelli, is that right?

13 A Yes.

14 Q And for all you know it may have been going on
15 for some time --

16 MR. MUSOFF: Objection.

17 THE COURT: Objection sustained.

18 Q To your knowledge, other police officers --

19 THE COURT: You withdraw the question.

20 Put the next question, please.

21 Q You had occasion, did you not, to play the tape
22 recording, isn't that correct, on several occasions, I
23 believe, the original?

24 A Yes, I did.

25 Q Did you recognize the voices that were spoken

1p

John-redirect

501

when you prepared the transcript?

A Yes, I did.

Q And based on your recognition of the voices did you recognize that the transcript and the tape accurately reflect the conversation in which Mr. Bugliarelli was involved?

A Yes.

Q And isn't it also the fact that to your knowledge there has never been any accusation whatsoever to the effect that a portion of the tape recording in which Mr. Bugliarelli's voice appears has ever been tampered with?

MR. MUSOFF: Objection, your Honor.

THE COURT: I will allow it.

A You are referring to the portion now when Mr. Bugliarelli --

Q That is right, from the point he said, "Jesus Christ" on the tape, from then on forward when he first enters the premises, have you ever heard any allegation of any kind that that has been tampered with from then on?

A No, sir.

MR. SCHATTEN: No further questions.

RE CROSS EXAMINATION

BY MR. MUSOFF:

Q During the course of time, Officer John, that

1 lp

John-recross

2 you played the wire recording did you notice or were you
3 able to hear a siren and street noises while Mr. Blatus
4 was supposed to be on the premises of 255 East 151st
5 Street?

6 Do you seem to recall that?

7 A On the tape recording itself, yes, I do.

8 Q Was that an unusual occurrence since he was
9 supposed to have been indoors when those sounds occur?

10 MR. SCHATTEN: I will object to the question.

11 THE COURT: Overruled.

12 A I didn't believe so when I heard it because
13 of the structure of the building. In other words, there
14 was not a door to the premises and it didn't seem unusual
15 to me at the time that had a siren been close by the sound
16 could have echoed down the hallway.

17 Q But after playing the recording a number of
18 times and not noticing any street noises during any other
19 portion of the tape, would you now say it was an unusual
20 occurrence to have it just on that one spot?

21 A I would say due to the fact that there was an
22 open doorway and several windows in the apartment, I wouldn't
23 say it was unnecessary. I would say there was a possi-
24 bility that the recorder itself could have been closer
25 to the street at certain times than at others.

lp

Q If that were true wouldn't the street noises
have occurred on more than one portion of the tape?

MR. SCHATTEN: I object to that, your Honor.

THE COURT: That is arguing with the witness,
isn't it?

Next question, please.

MR. MUSOFF: No further questions.

THE COURT: The witness may step down.

(Witness excused.)

THE COURT: Call the next witness.

MR. SCHATTEN: The government calls Mr. Eugene
Moran.

1 dhjw 38 A. Bugliarelli - recross
2 the man who cheated you out of \$53,000; is that your
3 testimony?

4 A I did it for me.

5 MR. SCHATTEN: I have no further questions.

6 THE COURT: The witness is excused.

7 (Witness excused)

8 THE COURT: Please call the next witness.

9 MR. MUSOFF: The defendant calls Mr. Roger
10 Milch to the stand.

11 R O G E R M I L C H , called as a witness,

12 being first duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. MUSOFF:

15 MR. MUSOFF: May I proceed, your Honor?

16 THE COURT: Please.

17 Q Mr. Milch, would you please state your
18 occupation.

19 A I'm an Assistant District Attorney in Bronx
20 County.

21 Q Do you know Mr. James Blatus?

22 A I knew Mr. James Blatus.

23 Q The James Blatus you knew, was he a sargeant
24 with the New York City Police Department?

25 A That is correct.

1 dhjw 39 Milch - direct

2 Q Did you meet Mr. Blatus in connection with
3 a case involving Joseph Bugliarelli?

4 A Yes, I did, when I prepared it for trial.

5 Q Did that case arise out of a raid which took
6 place on February 11, 1972, where Mr. Blatus wore a
7 reporting device on his person?

8 A It took place out of the execution of the
9 search warrant by an officer by the name of Patrolman John.

10 Mr. -- Sargeant Blatus was supervising
11 sargeant and was wearing a miniphone recorder.

12 Q Did there come a time when you asked Mr.
13 Blatus what he had done with the original wire recording?

14 A Yes, I believe that was sometime in 1973.

15 Q Would you describe the circumstances?

16 A Yes, there had been a preliminary hearing
17 in the case, a motion to suppress, and certain other
18 matters. The case for hearing was sometime, I believe,
19 in the month of June of 1973 and the commencement of the
20 trial was put over until the September term in the Bronx
21 Superme Court.

22 Sometime thereafter the original wire recorder
23 in this matter was requested. I called Sargeant Blatus
24 in and we discussed it and I believe, to the best of my
25 recollection, I had two discussions with him about it.

1 dhjw 40 Milch -direct

2 One in what is known as the wire room in the Bronx District
3 Attorney's Office where we keep our tape recording equip-
4 ment, and another one later on that day in my office.

5 My recollection is he said he assumed that
6 he gave it to Patrolman John on the Monday following
7 the execution of this search warrant, because that is
8 what he would have been required to do with it.

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Milch-direct

2 Q And what did Officer John say in regard to that?

3 A Officer John was interviewed at some different
4 time. To his recollection Sergeant Blatus did not give
5 him the original. Several weeks after the arrest he was
6 handed a tape. The original was a wire, a Miniphone,
7 which is an outmoded form of equipment.

8 Patrolman John, to the best of my recollection,
9 said that several weeks later he was handed a tape of the
10 conversation and asked^{me} to transcribe it.

11 Q Did you later determine that Sergeant Blatus
12 had retained the original wire recording until March 23,
13 1972?

14 A No, I did not make such a determinatin.

15 One of the problems in this matter was the
16 inability to make a determination as to who had custody of
17 the original.

18 THE COURT: You only knew what you were told?

19 THE WITNESS: That's correct.

20 Q Mr. Milch, are you familiar with arrest records
21 maintained by the New York City Police Department?

22 A Yes, I am generally familiar with them.

23 Q Are you competent to tell whether or not a particul
24 ar is an authentic record if you look at the form?

25 A I can look at the form. Whether I can tell

1 lpp2

Milch-direct

2 you that it is an authentic record or not, I don't know,
3 I am not a police officer. I am familiar with most police
4 records.

5 MR. MUSOFF: Will you mark this as Defendant's
6 Exhibit I.

7 (Defendant's Exhibit I marked for
8 identification.)

9 Q I now show you Defendant's Exhibit I for
10 identification. Will you look this over and tell the
11 Court what it is?

12 MR. SCHATTEN: Can I have an offer of proof at
13 the side bar once again?

14 THE COURT: Yes.

15 (At the bench.)

16 MR. MUSOFF: Your Honor, I subpoenaed this
17 arrest record of Frank Bugliarelli. It was delivered by
18 a New York City Police Officer to your clerk while I was
19 out of the courtroom. The clerk will verify that he received
20 it from a New York City Police Officer, and under Rule 803
21 I believe any public record that is kept in the ordinary
22 course of business is admissible.

23 And my offer of proof to corroborate Ann
24 Bugliarelli's testimony, it shows an arrest as late as
25 December 6, 1968, he was arrested for gambling, and this

1 lp3

Milch-direct

2 was during a period of time Mr. Schatten is trying to tell
3 the jury he was bedridden and couldn't get around.

4 THE COURT: He didn't say he was bedridden.
5 You are exaggerating as much as you claim he exaggerates.
6 That wasn't his statement at all or his questioning of
7 the witness.

8 It is late in the day and I guess you are both
9 getting tired.

10 In any event, let's move on with this.

11 MR. MUSOFF: May this be admitted in evidence?

12 MR. SCHATTEN: Just so the Court is aware, I
13 would like to put in --

14 THE COURT: You objected very strenuously when
15 the question was asked of the last witness if she knew
16 whether the defendant had been arrested, and I sustained
17 your objection.

18 MR. MUSOFF: Your Honor, they stand on two
19 different footings. In no way could you ever compare
20 a defendant with a third party witness. The rights of a
21 defendant go far beyond this.

22 THE COURT: Listen, we are getting into a long
23 discussion. You are both very argumentative.

24 The witness has testified that her husband had
25 been arrested and that he was a big gambler, I think was

1 lp4

Milch-direct

2 her term.

3 MR. MUSOFF: Yes.

4 May this be introduced, your Honor, just for
5 that limited purpose?

6 THE COURT: Suppose we take the one arrest in
7 1968 --

8 MR. MUSOFF: Fine.

9 Could I read that into the record?

10 THE COURT: Let's not spend time on it.

11 It is stipulated that if a police officer were
12 called he would testify that there is an original record
13 showing that --

14 MR. SCHATTEN: Just so the record is clear,
15 I would like --

16 THE COURT: Must you interrupt me?

17 MR. SCHATTEN: I am sorry, I apologize.

18 THE COURT: I withdraw my remarks.

19 MR. SCHATTEN: I am sorry, I apologize to the
20 Court.

21 THE COURT: Say whatever you want to say.

22 MR. SCHATTEN: I am sorry.

23 I would, just for the record, like to be able
24 to offer the two 1969 arrests of Joseph Bugliarelli. Other-
25 wise I would submit that we are really giving the jury a

1 lp Milch-direct 665
2 very false impression. If this evidence that Mr. Musoff
3 says is probative, as the Court indicated, I would submit
4 mine is equally probative.

5 THE COURT: All right, the objection is sus-
6 tained.

7 MR. MUSOFF: May I read this?

8 THE COURT: No. He objects. You have the
9 evidence from the last witness.

10 (End of bench discussion.)

11 MR. MUSOFF: I have no further questions.

12 THE COURT: Do you have any questions of this
13 witness?

14 MR. SCHATTEN: Yes.

15 THE COURT: This will be strict cross-
16 examination, limited to the subject matter of the direct
17 examination.

18 CROSS EXAMINATION

19 BY MR. SCHATTEN:

20 Q I believe you began your testimony by telling
21 the Court and jury about the case of the People of the State
22 of New York against Joseph Bugliarelli and Vincent Tarallo,
23 is that correct?

24 A I don't believe I really told anything about the
25 facts in the case.

1p

Milch-cross

666

Q But certain legal proceedings that went on,
is that correct?

A That is correct.

Q Did there come a time when you had occasion
to be present at the taking of the guilty plea by Mr.
Bugliarelli that day?

MR. MUSOFF: Objection, your Honor.

THE COURT: The objection is sustained and
the jury is instructed to disregard it.

I told the jury the other day when the evidence
came in that we are not concerned with any alleged illegal
activity of the defendant in gambling, whether it is a vio-
lation of the State or Federal laws, nor were we concerned
with whether or not bribery took place on the day in question.
The evidence was limited solely and only for the purpose of
permitting the government to establish a source of income,
as the government alleges, from alleged gambling activities,
and I sustain the objection. We are not trying that case
here. We are tryin, an income tax evasion case, and the
issues are going to be confined to that.

BY MR. SCHATTEN:

Q Did there come a time when you were present at a
legal proceeding at which Mr. Bugliarelli admitted --

1 lp

Milch-cross

667

2 MR. MUSOFF: Objection, your Honor.

3 May I approach the bench on this before some-
4 thing else comes out?

5 THE COURT: Yes.

6 (At the bench.)

7 MR. SCHATTEN: Your Honor, there have been
8 various --

9 THE COURT: What is the offer of proof?

10 MR. SCHATTEN: I would like to offer just so
11 much of the guilty plea as constitutes an admission by
12 Joseph Bugliarelli to the facts as set forth by Mr. Milch,
13 and an admission to the fact that he did pay the \$200 bribe
14 on the date in question. I don't want to have any im-
15 pression here that these events didn't occur, and since
16 Sergeant Blatus's testimony has allegedly been attempted
17 to be contradicted, I think in fairness we ought to be
18 able to put in this.19 And the Court, in fact, previously had said
20 after I put Sergeant Blatus on the witness stand, I could
21 offer so much of the transcript pertaining to it.22 All I would like to offer is simply the portion
23 that Mr. Milch read setting forth the facts in brief detail
24 and the voir dire of Mr. Bugliarelli.

25 After I read from Assistant District Attorney

1 lp

Milch ~~cross~~

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2 Milch's statement of the case I would like to go further
3 and say, where the Court says: "To what extent did
4 altering" --

5 THE COURT: I am not going to go into that.

6 MR. MUSOFF: That is way beyond my direct
7 examination.

8 THE COURT: He may be entitled to part of it
9 for a limited purpose.

10 I think we ^{well} better go inside.

11 Members of the jury, you might remain where you
12 are.

13 (In the robing room.)

14 MR. SCHATTEN: I would merely like to offer the
15 portion of the plea where Mr. Milch sets forth the state-
16 ment of facts, and then simply to offer:

17 "Did you, in fact, give the police some \$200
18 in trying to work out a deal whereby they would drop the
19 charges against Mr. Tarallo in this gambling operation?"

20 And Mr. Bugliarelli says yes.

21 And then the Court goes on to say: "You
22 either did it or you didn't do it. If you didn't do it,
23 I won't accept the plea. Did you do it?"

24 "DEFENDANT BUGLIARELLI: Yes."

25 I won't go into the rest. That is all I would

Milch-Cross

669

1 lp

2 offer.

3 MR. MUSOFF: I object, your Honor. Again,
4 this is highly prejudicial. We are not trying a bribery
5 case.

6 THE COURT: But why isn't this admissible to
7 show, if the government contends, that he had an interest
8 in a gambling operation?

9 MR. MUSOFF: But if he had the interest, the
10 evidenceshows he had it for --

11 THE COURT: Now you are arguing a different
12 matter. You keep on going back to that.

13 I will allow it for that very limited purpose,
14 as I did the original tape, particularly in the light of
15 your contention by your questioning that the tape was
16 tampered with, the suggestion that the tape should be
17 rejected entirely.

18 MR. SCHATTEN: Thank you.

19 MR. MUSOFF: Just one other point while we are
20 here, your Honor:

21 I feel very strongly about that December,
22 1960, arrest of Frank Bugliarelli. It is a fact; it's not
23 in dispute. Mr. Schatten has a duplicate of that record,
24 and I think that in the search for truth an undisputed
25 fact should be put before the jury, and I think this is

1 lp

Milch- cross

670

2 especially important because the thrust of Mr. Schatten's
3 cross-examination of Mrs. Bugliarelli is that he was an
4 extremely ill man after that 1967 operation and could hardly
5 get around.

6 THE COURT: Well, are you going to claim that
7 he wasn't a gambler?

8 MR. SCHATTEN: Well --

9 THE COURT: All right, I will give him the
10 benefit of the doubt. Let it go in, and don't make any
11 application for the defendant's arrest record. I am not
12 going to allow it in. I struck it from the tape recording
13 and you are not going to get it in another way.

14 MR. MUSOFF: Thank you.

15 May I read that in after his statement?

16 THE COURT: Yes, for the very limited purpose,
17 and don't spread yourself out on that hearing either.

18 MR. MUSOFF: And you will give that cautionary
19 instruction?

20 THE COURT: Yes.

21 (End of robing room discussion.)

22 (In the courtroom.)

23 THE COURT: Now, members of the jury, you will
24 recall yesterday when I permitted in evidence a tape recording
25 which had a reference to the alleged bribe offer by the

Milch-cross

671

lp

defendant to the police officers, and the statement that was made with respect to it, and also with reference to the suggestion that the police officers book him only on the policy or gambling charge and not on the bribery charge, I instructed you then that it was being received, again, for the very limited purpose to show -- and whatever inference may be drawn from it is, of course, entirely up to you -- that the defendant by his acts and conduct had an interest in a gambling establishment, taking that into account with the statement that was made, if it appears that you so accept it, that he was paying \$125 a month on a pad.

I think that was the expression.

Now, this evidence that is about to be received is limited to that very purpose, only to show relationship, if at all, with respect to gambling activity as a possible source of income.

BY MR. SCHATTEN:

Q Government's Exhibit 10 for identification, Mr. Milch, is a transcript of a proceeding at which you were present, is that correct?

A Yes, I was present.

Q And that is a correct account of those proceedings, is that correct?

A Let me read it and I will tell you, to the best

1p

Milch-cross

Q72

2 of my recollection. I haven't seen it before.

3 Yes, these are the minutes.

4 MR. SCHATTEN: I will offer that as limited in
5 accordance with the Court's instructions.

6 THE COURT: Just read it into the record.
7 You don't have to clutter the record with an entire trans-
8 cript.

9 MR. SCHATTEN: I am reading the statement from
10 District Attorney Milch in which he states:

11 "The facts, in brief, are as follows:

12 On or about February 11, 1972, roughly 1.30 in the afternoon,
13 police officers with the Public Morals Division, Central
14 Intelligence Squad, entered the residence 255 East 151st
15 Street in Bronx County. When they entered, they entered
16 pursuant to a search warrant issued by a judge of the
17 Criminal Court, New York County. When they entered the
18 premises the defendant Vincent Tarallo was in the bathroom
19 of the apartment and been in the process of taking mutuel
20 race horse policy wagers. Mr. Tarallo was arrested on
21 the spot by the police officers and the contraband was
22 seized.

23 "Thereafter, the Sergeant involved in this
24 case, Sergeant James Blatus, entered the room. He was
25 supervising in the execution of a particular search warrant.

1 lp
2 Sergeant Blatus was wearing a wire recorder commonly known
3 as a Miniphone. He entered the room, had a conversation
4 with the defendant Tarallo at the same time supervising the
5 other officers who executed the warrant. Additional
6 mutuel race horse wagers were found.

7 "In the course of the conversation, Vincent
8 Tarallo, the defendant here, indicated that his policy
9 arrest could be vitiated perhaps by the payment of money
10 to the Sergeant. The conversation continued thereafter
11 and at one point when they started to get to the preliminary
12 negotiations the defendant Tarallo said, 'I have to talk to
13 someone.' Just at approximately that moment the defendant
14 Bugliarelli entered the apartment and the conversation
15 continued another minute and Vincent Tarallo said, 'I have
16 to go and talk to Joe.' He walked over and had a brief
17 conversation with Joseph Bugliarelli. And Joseph
18 Bugliarelli came and engaged the Sergeant in conversation.
19 It was apparent from the tenor of the conversation this
20 was Joseph Bugliarelli's gambling operation, and that the
21 defendant Tarallo was a worker therein.

22 "Conversation continued for some minutes at
23 which time the defendant Joseph Bugliarelli paid Sergeant
24 Blatus \$200 in U.S. Currency. Sergeant Blatus then placed
25 the defendant Bugliarelli under arrest for the crime of

1 lp

Milch-cross

674

2 bribery. At that point Joseph Bugliarelli informed the
3 Sergeant that not only was it unfair to arrest him but
4 further that under the circumstances which was that of a
5 man who had maintained the pad in that particular location
6 and knew all of the police officers in the area, that it
7 was particularly unreasonable to arrest him for bribery.
8 In fact, he stated, 'Call anyone in Borough. Call anyone
9 in Division, they will tell you I am a stand-up cousin.'

10 "The conversation continued for an extended
11 length of time in that vein. He was finally taken out to
12 the police precinct and the case was concluded."

13 And then the Court asked the defendant, Mr.
14 Bugliarelli:

15 "Did you, in fact, give the police" --

16 MR. MUSOFF: Your Honor, my understanding, even
17 though all of it is over my objection, was that only the
18 Court's remarks to the defendant would be read to the jury,
19 not Mr. Milch's remarks.

20 THE COURT: You are absolutely right, and the
21 jury is instructed to disregard all of that, the statement
22 made by Mr. Milch.

23 I don't know why there is this problem. I
24 said you will read the portion where the reference is made
25 to his pleading.

1 lp

Milch-cross

675

2 MR. SCHATTEN: I guess, your Honor, that is my
3 misunderstanding. I thought I discussed it on the record.

4 It goes on:

5 "Did you, in fact, give the police some \$200
6 in trying to work out a plea whereby they would drop the
7 charges against Mr. Tarallo in this operation?"

8 And the defendant Bugliarelli says, "Yes."

9 THE COURT: All the previous portion is ordered
10 stricken, and the jury is ordered to disregard it, the
11 statement of Mr. Milch, the statement by the defendant.

12 MR. MUSOFF: Your Honor, may I now address the
13 jury?

14 THE COURT: Yes.

15 MR. MUSOFF: It has been stipulated, ladies
16 and gentlemen, between the prosecutor and Mr. Bugliarelli
17 through counsel that if a New York City Police Officer were
18 called to testify, he would be able to introduce a record
19 indicating Frank Bugliarelli was arrested on December 6,
20 1968, for bookmaking and for possession of gambling records.

21 Thank you.

22 THE COURT: Are there any other questions to be
23 put to this witness?

24 MR. SCHATTEN: None, your Honor.

25 THE COURT: You will be excused.

(Witness excused.)

1 lp

2 UNITED STATES OF AMERICA

3 vs.

75 Cr. 333

4 JOSEPH BUGLIARELLI.

5 New York, September 24, 1975;
6 9.15 a.m.

7 Trial resumed.

8 - -

9 (In the courtroom, in the presence of the
10 jury.)

11 THE COURT: All right, you may proceed.

12 MR. SCHATTEN: Thank you, your Honor.

13 SUMMATION ON BEHALF OF THE GOVERNMENT

14 MR. SCHATTEN: Judge Weinfeld, Mr. Musoff,
15 Madam Forelady, Ladies and Gentlemen of the Jury:

16 During the course of this case I noticed that
17 you were paying particular attention to the evidence,
18 listening to the witnesses, and I want to thank you on
19 behalf of the government for your patience and attention
20 in the course of your attendance in this case.

21 The job of a juror is a very serious one under
22 our system of justice, and once again I want to thank you
23 for the diligence which you have exercised.

24 I ask you when you deliberate in this case to
25 utilize your common sense. Keep that in mind as you proceed
with your deliberations.

1 lp2

2 Now, in the course of my summation I am going
3 to show you and ask you to find that the defendant
4 realized large unreported sums of income in connection with
5 a gambling operation that he was in control of during the
6 years 1970 and 1971, and that he failed to report income
7 from that operation during this particular period of time
8 in question, and that he evaded his income taxes thereon.

9 Moreover, ladies and gentlemen, I am going to
10 trace the expenditures which really aren't in dispute in
11 this case, that the defendant made far in excess of the
12 income that he reported as part of the government's proof
13 that the defendant realized large amounts of income, the
14 tax on which he evaded.

15 Finally, I am going to demonstrate to you, and
16 I submit that the evidence in this case will demonstrate
17 to you that the testimony of Ann Bugliarelli is utterly
18 fallacious and is just not worthy of any credible belief
19 on your part.

20 Now, we submit that the evidence in this case
21 has demonstrated beyond any reasonable doubt whatsoever
22 that the defendant was in control of a gambling operation
23 in the period in question.

24 Here's why:

25 The government submits that the most important

1 lp3

2 exhibit in this case is that tape and the transcript of that
3 tape, which are Government's Exhibits 9 and 9-A, I believe;
4 and if you take any exhibit with you into your delibera-
5 tions I submit that you ought to consider that transcript,
6 because that demonstrates, we submit, beyond any reasonable
7 doubt whatsoever, Mr. Bugliarelli's control of a gambling
8 operation during the period that we are concerned with,
9 a gambling operation which, if you will look at his tax
10 returns, he didn't pay one penny of income on, and there-
11 fore evaded taxes thereon.

12 Here's why: On February 11, 1972, Mr.
13 Bugliarelli paid a \$200 bribe to Sergeant Blatus in order
14 to drop an arrest of his worker, and moreover to obtain
15 certain gambling records which indicate how much the operation
16 owes and how much is owed to Mr. Bugliarelli's gambling
17 operation.

18 In the course of that bribe Mr. Bugliarelli
19 tells Sergeant Blatus that he has been paying off the sum
20 of \$125 a month to New York City Policemen in order to
21 keep his gambling operation going.

22 I submit that that is one circumstance which
23 indicates that during the period they were concerned with,
24 that gambling operation was in existence.

25 He also states during the course of that tape
recorder conversation that he is a stand-up cousin, and

1 lp4

2 you heard Sergeant Blatus testify that a cousin is a man
3 who pays off; a stand-up cousin is a man who pays off and
4 doesn't tell the police that he is paying off.

5 Moreover, Mr. Bugliarelli in that tape-
6 recorder conversation tells Sergeant Blatus that he is
7 a main cousin, a cousin being a man who pays off, and a
8 main cousin being a man who pays off large sums of money.

9 Mr. Bugliarelli, in the course of that conver-
10 sation displays a familiarity with the police structure
11 which, again, we submit, is another circumstance which
12 makes clear his knowledge and familiarity with the gambling
13 operation and his need to be familiar with police operations
14 for the reason that he is paying protection.

15 After Mr. Bugliarelli's arrest, after paying
16 \$200 in an attempt to drop the arrest of his gambling
17 associate, and after trying to get back the gambling
18 records, the police officer takes Mr. Bugliarelli en route
19 to the police station, and that's a very interesting conver-
20 sation.

21 When they get in the car, whatever vehicle they
22 are utilizing, there is a statement on the tape, "Where
23 is the nearest police station?"

24 Mr. Bugliarelli says: "The 42nd Street
25 Precinct." He seems to know an awful lot about police

1 lp5

2 stations.

3 Moreover, apparently he yells out of the cab to
4 somebody on the street, a friend of his, to have him call,
5 contact his lawyer; and, moreover, during the course of that
6 bribe he attempts to have Sergeant Blatus, right before they
7 get to the police station, to drop his bribery arrest
8 and make it only a gambling arrest.

9 Mr. Bugliarelli, I submit, is very familiar
10 with the legal structure involving illegal gambling
11 operations, and demonstrates a working familiarity with
12 the practices of a gambling operation.

13 Then right during that conversation where he
14 is trying to get the police sergeant to drop his bribery
15 arrest and make it a gambling arrest, he tells the police
16 sergeant, "Just inquire about me. Ask anybody you want.
17 Ask your men. They will tell you that I am a stand-up
18 cousin, and a lot of good people will talk to you."

19 It is just obvious from that conversation that
20 Mr. Bugliarelli has been in the gambling business for a
21 very long time during the period of time we are concerned
22 with.

23 Once again I ask you to use common sense,
24 and I submit it is just crystal clear, it is apparent,
25 and I ask you to take the transcript and listen to the

1 lp6

2 tape, and I think we will reach the same conclusion.
3 I submit to you that that really is the only conclusion
4 that any common sense permits.

5 Now, during the course of these years,
6 during which time we submit that the evidence shows that
7 he was in control of this gambling operation, Mr. Bug-
8 liarelli reports in 1970 his taxable income in the sum of
9 \$5664; whereas, as Mr. Moran calculated it, his correct
10 taxable income, in accordance with his expenditures, came
11 to some \$21,000.

12 And similarly for the year 1971, he reports
13 only \$3200 in taxable income, whereas in Mr. Moran's
14 calculations he should have reported \$27,800 in taxable
15 income. The total taxable income, in accordance with
16 Mr. Moran's calculations, comes to \$49,000 that should have
17 been reported.

18 Mr. Bugliarelli in his jobs as a salesman
19 during 1970 and as the owner of a luncheonette for eight
20 months of 1971 only reports a total of some \$9000 in
21 taxable income. In other words, he is only reporting some-
22 thing less than about one-fifth of the taxable income
23 Mr. Moran calculated he should have reported; and, once
24 again, the expenditures, which are not in dispute, involve
25 such items as several brand new automobiles, the boat,

1 lp7

2 monthly mortgage payments on his home in Dobbs Ferry.

3 During the years 1970 and 1971 Mr. Bugliarelli
4 visits hotels in Florida on five different occasions.
5 He goes to the Newport Hotel on two occasions in 1970
6 and 1971, and there was a stipulation which indicated
7 that he went to the Marco Polo Hotel once, I believe, in
8 1970.

9 Moreover, lest I forget, there is, of course,
10 that swimming pool and cabana house, which is installed at
11 a price -- the pool cost some \$8900, and the cabana house
12 and all the expenses for equipment -- somehow he is able
13 to get his good friend Di Pasquale to do it without any
14 labor whatsoever -- but the total out-of-pocket expenditures
15 by Mr. Bugliarelli for that swimming pool and labor expendi-
16 tures come to over \$20,000.

17 So all-told, based on Mr. Moran's calculations,
18 which Mr. Musoff said yesterday there really is no dispute
19 on, he should have been reporting some \$49,000 in taxable
20 income, and on his return he indicated only \$9000.

21 The tax that was due on the figures that Mr.
22 Moran calculated comes to some \$12,000. Mr. Bugliarelli
23 only paid \$1500 in taxes during that period. A very
24 substantial amount of tax evasion has been shown here.

25 Now, what is his excuse for failing to pay

1 lp8

2 taxes on all that income? Well, just lies, and the testimony
3 of Ann Bugliarelli. I submit and the government submits
4 that that testimony is not worthy of any belief what-
5 soever.

6 Here's why: First, during the period that
7 we are concerned with, namely, the story is that in 1969,
8 right before Frank Bugliarelli went into the hospital
9 for the last time when he passed away of cirrhosis, Ann
10 Bugliarelli and Frank Bugliarelli were still involved in
11 that lawsuit. This is a lawsuit that began in 1963 over
12 a measley \$600. During the course of that lawsuit in
13 1966 Frank Bugliarelli tells his lawyer -- this is what
14 Ann Bugliarelli admitted from the stand after being con-
15 fronted with the evidence -- that they didn't have the
16 money to pay the legal fees.

17 Can you imagine what the legal fees were on a
18 \$600 lawsuit? It can't be very high.

19 In 1966 Frank Bugliarelli tells his lawyer
20 that they don't have the money to pay legal expenses.

21 Then in October, 1967, both of them, Ann
22 Bugliarelli and Frank Bugliarelli file an affidavit with
23 the Court, a sworn affidavit in which they once again
24 state that they are financially unprepared to pay counsel
25 fees for trial at this time - still in connection with

1 ip

2 the \$600 lawsuit, sworn, filed with the Court on October 21,
3 1967, sworn to by both of them.

4 During the course of that lawsuit, by the way,
5 Ann Bugliarelli contacts the Legal Aid Society to see if
6 they will represent her.

7 And, moreover, right after they filed that
8 affidavit with the Court, in November of 1967 the lawsuit
9 is settled. You have heard about that settlement, and I
10 will get to that very shortly.

11 But you will recall before I brought the papers
12 to Ann Bugliarelli's attention, I asked her:

13 "Did you ever state to anybody that you were
14 unable to meet your expenses?

15 "No.

16 "Did you ever state to anybody that you were
17 unable to meet your legal fees?

18 "No."

19 I asked her:

20 "To your knowledge did Frank Bugliarelli ever
21 state that he is unable to meet his legal expenses?

22 "No."

23 Ladies and gentlemen, I submit that is one more
24 item of evidence that the testimony of Ann Bugliarelli is
25 not worthy of belief. It is only when you confront her

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2 with a specific piece of paper that she is willing to tell
3 you the truth, and I submit that is just one more example
4 of the fallacious, evasive, unbelievable testimony that
5 you heard yesterday from Ann Bugliarelli.

6 The lawsuit gets settled in 1967, November,
7 right after they file this affidavit saying they don't
8 have the money to pay their legal expenses, and the terms
9 of the settlement are that a hundred dollars will be paid,
10 and then thereafter \$10 a week in weekly instalments are
11 to be paid to Teresa Weinberg, the name is, in order to
12 settle the lawsuit until a total of \$400 is paid.

13 Now, if somebody has \$53,000 in cash, I submit
14 that a \$10 weekly payment is not very stiff.

15 Let's see what happens: they continue making
16 their payments, according to the testimony of Mr. Fetell,
17 and there is a record of it, in case you want to take it
18 with you -- the affidavit, by the way, in case you want to
19 take that with you, is Government's Exhibit 120-A in
20 evidence; the record of payments, Mr. Fetell's record,
21 is 132 in evidence -- and that record shows that they
22 continued making payments until March of 1968, less than
23 a year prior to the time this \$5300 is supposed to have
24 been given. They stop making payments, and in April of
25 1968 Mr. Fetell files a judgment, because under the terms

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of the settlement, if they fail to pay the \$400 in these weekly instalments, the full amount of the amount sued for comes into play, and then they had to pay some \$650 plus interest.

Now, who with \$5300 is going to allow that kind of situation to happen where they would wind up paying twice as much as they could have paid had they paid the \$400?

In any case, the default in March of 1968 Mr. Fetell enters a judgment in the court for the full amount sued for in April of 1968, and then they have three more payments -- this is also pretty revealing -- I think there was one on May and one I think in June or July, and the last one comes in August of 1968, three \$10 payments, and after that time nothing more is paid on the settlement.

Mr. Fetell files a judgment, a lien, which means when Ann Bugliarelli sells her property the \$650 will come out of the salesprice of her property. But after August of 1968 no more payments were made on that settlement; they can't make the \$10 a week, and they supposedly had \$53,000 in cash, and they can't pay the \$10 a week during the period from August, 1968, up until April of 1970, at which time their home is sold, Ann Bugliarelli's home is sold -- Frank Bugliarelli passed away in April, 1969, one year

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before -- the home is sold, and at that time Mr. Fetell collects the money out of the proceeds, the salesprice of Ann Bugliarelli's home.

Now here is another fact:

The Court, Judge Weinfeld, asked Ann Bugliarelli after I tried to elicit the information unsuccessfully:

"Did you make payments on this settlement as they were due?"

She said yes. Just a flat out and out deliberate misstatement. They didn't make those payments. They defaulted. And she isn't telling the truth because she is trying to cover up, and she is trying show you that they had \$53,000 in order to save Joe Bugliarelli. The story is false.

Not only is that story false, but when she was asked:

"Did you make the payments or did Frank?"

She said, "Oh, Frank had nothing to do, nothing whatever to do with making the payments on the lawsuit."

And then when you look at Mr. Fetell's records -- I believe it's in evidence before you as Government's Exhibit 133 in evidence, and you can take that in with you -- you will see several payments being made by Frank Bug-

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2 liarelli, \$10 payments during the course of this lawsuit.

3 So obviously he was aware of the obligation
4 and was making the payments and couldn't meet the payments.

5 Another circumstance that this story is false.

6 There are other circumstances as well: you
7 will recall I asked Ann Bugliarelli:

8 "Were the hospital bills paid in full?"

9 She said: "Yes, to my knowledge."

10 Sure enough, we got the woman from Trafalgar
11 Hospital, and she testified - and there was documentary
12 evidence, an exhibit introduced showing Blue Cross covered
13 some \$2500 or \$2200 of the over \$3000 hospital bill, and
14 some \$800 remained outstanding.

15 One more piece of evidence of false testimony
16 on the part of Ann Bugliarelli.

17 Also -- and Ann Bugliarelli did testify to
18 this -- she also testified that at the time of her husband's
19 departure \$800 was owed for the doctor's bill.

20 Once again the circumstances indicate the
21 dire financial plight of this family that the defense
22 would have you believe had \$53,000.

23 There are some more circumstances: If you will
24 look at the mortgage application which is in evidence as
25 Government's Exhibits 101 or 102, you will see that as in

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2 1965 the Bugliarellis had some \$10,000 in insurance, life
3 insurance. As of 1967 the Bugliarellis had some
4 \$10,000 in insurance on which a \$500 loan was taken.

5 And then when Frank Bugliarelli passed away
6 at 49 years of age, what they collect is \$3000.

7 It seems to indicate that his policies were
8 cashed in.

9 And, once again the record of the mortgage
10 loans indicates that in the beginning of 1965 the mortgage
11 was only \$6500, and he borrowed in 1965 to increase the
12 mortgage loan to \$12,000; and then finally in 1967 the
13 mortgage loan was once again increased to \$15,000.

14 All these circumstances indicate that this family
15 is going downhill; they just don't have the money to meet
16 their debts, and I think the most crucial item of proof on
17 that is that \$600 lawsuit which drags on from 1963 until
18 1970 when Ann Bugliarelli sells her home. They just can't
19 afford to pay the \$10 a week. So it doesn't make any
20 sense that these people are sitting on \$53,000 in cash
21 that Ann Bugliarelli would have you believe.

22 What else? Then we come to the actual
23 story as it is told: Ann Bugliarelli said that her husband
24 called up Joe Bugliarelli and tells him to come over on
25 the night in question. And he comes over and the money is

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2 transferred.

3 Well, you will recall on cross-examination
4 I asked her if she made a phone call or was it her husband,
5 and then she did acknowledge she made the phone call.
6 That is a minor detail. But what is significant is that
7 when she testified in the grand jury - and she admitted it
8 here - she told the grand jury that the reason she made the
9 phone call was because Frank Bugliarelli, her husband,
10 was too ill to get out of bed. That's why she made the
11 phone call. She would have you believe that Frank Bug-
12 liarelli went up the stairs to get the \$53,000, just another
13 inconsistency that once again demonstrates the falsity of
14 this particular testimony.

15 Then there is additional evidence: She testi-
16 fied she was asked the question:

17 "Did your husband go to work up until the day
18 he went into the hospital?"

19 And her answer was, "Yes."

20 Then when she was in the grand jury she testified
21 when asked, he had an operation in 1967, and Joe Bugliarelli
22 would visit them once a week or once every two weeks when
23 he couldn't get around.
24
25

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2 The portion of it which was read indicated
3 that "When my husband couldn't get to work, when he wasn't
4 feeling well." That was her testimony in the grand jury.

5 Then, when I continued to pursue the matter
6 she testified, "Well, sometimes he couldn't." Once again,
7 the story just didn't seem to hold up.

8 For all of these facts and circumstances the
9 government submits that the testimony of Ann Bugliarelli,
10 including her evasive testimony, you heard her, it is your
11 judgment, your judgment of her credibility, her continued
12 evasive testimony, the testimony that constituted, I submit,
13 deliberate falsehoods, false testimony in an effort to
14 save her brother-in-law, all that testimony, we submit,
15 and when you consider the financial circumstances of Ann
16 Bugliarelli, of Frank Bugliarelli, this man who passed
17 away of cirrhosis, who was in the hospital in 1967, who had
18 fractured ribs a few months before he went into the hospital,
19 her testimony was in the grand jury that he couldn't get
20 around very well, I submit that when you consider all of
21 the circumstances in this case, the story just doesn't
22 hold up, particularly when Joe Bugliarelli himself says
23 that the story doesn't hold up.

24 There is an exhibit in evidence in this case,
25 Government's Exhibit 3501-H, and that's the statement that

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2 was made to Mr. Mongelli and Mr. Dick. Mr. Bugliarelli
3 was contacted in June of 1973 long before, I submit,
4 this story was concocted.

5 At that time Mr. Bugliarelli stated that "The
6 only individual who ever loaned or gave him money was his
7 mother." No mention at all of Frank Bugliarelli. And he
8 also said that he never kept any sums of money at his home
9 or at any other location other than his bank accounts, and
10 his bank accounts just don't add up to \$53,000.

11 So it's just false for that reason. Somebody
12 is lying here, ladies and gentlemen, somebody is lying.
13 Joe Bugliarelli, when he makes that statement, has no reason
14 to lie, because if that sotry was true he would have
15 a defense in his case.

16 Joe Bugliarelli testified, gives a statement
17 contrary to Ann Bugliarelli's testimony and that is just
18 one more very demonstrative circumstance that Bugliarelli --

19 MR. MUSOFF: Your Honor, I'm sorry, I don't
20 mean to interrupt, but I just didn't hear the last few
21 statements. May I approach the bench?

22 THE COURT: He said Joe Bugliarelli made his
23 statement. That is what he said. He is referring to the
24 statement that was read in evidence.

25 MR. SCHATTEN: Take it into evidence with you,

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2 it is 3501-H received in evidence, take it with you as
3 an exhibit. You will see that Joe Bugliarelli's own
4 statement demonstrates that Ann Bugliarelli's testimony
5 was clearly false.

6 In sum, the government submits that the evidence,
7 as demonstrated in this case, beyond any doubt whatsoever
8 shows that Joe Bugliarelli was in control of the gambling
9 operation during the period in question, that he derived
10 large amounts of income on which he deliberately and wilfully
11 failed to pay his federal income tax, and, moreover, his
12 purported defense that Ann Bugliarelli, the testimony of
13 Ann Bugliarelli, that his brother Frank gave him \$53,000
14 in cash is utterly false and is completely without any
15 belief whatsoever.

16 It is a deliberate falsehood that was told
17 to you from the witness stand yesterday. We submit it has
18 no belief whatsoever and we ask you to reject it.

19 In sum, that is what this case is all about.
20 As I told you at the outset, it is a very simple case.
21 You keep your eye on the ball, your common sense, and
22 we think that the evidence overwhelmingly demonstrates the
23 crystal clear guilt of this defendant, Joseph Bugliarelli,
24 for the tax evasion with which he is charged in this case.

25 Thank you very much, ladies and gentlemen.

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2 THE COURT: All right, Mr. Musoff.

3 MR. MUSOFF: May it please the Court, Mr.
4 Schatten, Mr. Dick, Mr. Gordon, Madam Forelady, ladies
5 and gentlemen of the jury.

6 As you very probably guessed, the only thing
7 that Mr. Schatten and I agree upon is that you deserve
8 our thanks for your patient consideration over these past
9 four days of trial time.

10 This case should have been a simple one. Can
11 the government prove beyond a reasonable doubt that Mr.
12 Joseph Bugliarelli wilfully failed to report his correct
13 income for the years 1970 and 1971? That is all.

14 But the government wasn't interested in trying
15 to prove a simple tax evasion case. Oh, no, they had to
16 juice it up with something special. Maybe if we stretch
17 a point and we use an incident in 1972, a year having
18 nothing to do with '70 and '71, the only years before you,
19 we can get the jury to feel that Mr. Joseph Bugliarelli
20 is a bad guy. You see, once he's a bad guy in your minds,
21 you will forget the proof and convict.

22 Maybe if we appeal to the jury's prejudice and
23 emotions instead of their intellect and their reason we
24 will get a conviction. Let's forget about the government's
25 burden of proof beyond a reasonable doubt and convict.

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2 So what does the government do? And they do
3 it in a very, very subtle fashion:

4 Mr. Schatten told you, we never disputed any
5 expenditures. That's not an issue here. We told it to you
6 in our opening statement. Mr. Bugliarelli disclosed all
7 of his expenditures during the course of the investigation.
8 That was never in dispute. He didn't mean to hide or con-
9 ceal any of those expenditures.

10 How could he have meant to do this? Every
11 single expenditure was either in his name or his wife's
12 name. Nobody else's name. He didn't use an alias. No
13 sinister purpose in using a wife's name.

14 So since the expenditures aren't in dispute,
15 why couldn't they all have been stipulated to? But he had
16 to show you what they were spent on because let's show the
17 jury that maybe he lived a little bit better than you
18 did. He's got a swimming pool; he's got a cabana; he's
19 got a Cadillac automobile. Just think of it, he made
20 trips to Florida.

21 Did you people live as good as he did? If you
22 didn't live as good as he did, he's guilty of income tax
23 evasion. That's the subtle appeal to your emotions, not
24 to your reason, not to your intellect.

25 Even the way this chart was prepared is very

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2 clever. Take a look at this. \$14,599.43 for automobiles.
3 That's what this says here. But when I asked Mr. Moran,
4 "Couldn't you have reflected it to \$7,000?" because he
5 didn't have all those automobiles at one time, he bought
6 one car at a time. When that car became disabled, what did
7 he do? He traded it in for another car. When that car
8 became disabled, he got another car. Why couldn't this
9 figure been \$7,000? The bottom figure would have come
10 up the same way. But again, subtle appeal to prejudice,
11 to your emotions.

12 What else do they do here? Let's destroy some
13 notes. Let's present a tampered wire recording, and let's
14 try to conceal the fact that the cop who wore this concealed
15 wire recording is a crooked cop. Just think about this
16 guy Blatus.

17 Here he is in a stationhouse. He's assigned
18 to the Public Morals Division. He's in charge of somebody
19 else's morals. He's in charge of investigating fellow
20 officers, and he himself on the stand, when I asked him,
21 "Did you ever accept an illegal gratuity or a bribe?

22 "I've got to consult with my lawyer.

23 "Were you a member of the Sargeant's Club for
24 illegal purposes?

25 "I can't answer that question, Mr. Musoff,

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2 without a lawyer."

3 Did Mr. Bugliarelli have a lawyer with him
4 each time the special agents came knocking on the door?
5 He didn't have a lawyer with him. He answered every question,
6 he disclosed every single expenditure and that's not an
7 issue.

8 Don't let them get away with this. We expect
9 better things from our government. What I want you to
10 do is examine the cold clear record and let's reason about
11 that together.

12 Let's go right to the heart of the matter.
13 Now, the government's case is based on an expenditures
14 method of proof. Why? Very simple. They didn't have to
15 go out and work for it. All the leads to each and every
16 expenditure was supplied by Mr. Bugliarelli. In order for
17 that method to work, the government had to prove beyond a
18 reasonable doubt that Joseph Bugliarelli had no cash on
19 hand in each of these years, the beginning of each of these
20 years, because if he had cash on hand all these figures
21 become zero.

22 You heard me run through this with Mr. Moran,
23 the government's expert. All he did was accept the
24 figures that were given to him by Mr. Bugliarelli in the
25 interviews and he added them up. What's so hard about

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2 that?

3 And then what does he do? Not one penny in
4 cash down here for non-taxable source of funds, either in
5 '71 or 1970. Not one single penny.

6 Do you know of any human being on January 1st
7 of any year or December 31st of the previous year who
8 never had one penny in cash, either in his home or his
9 person? Well, they took care of cash on hand all right.
10 By saying he didn't have one penny it made it very easy.

11 Where does that proof come from? Special
12 Agent Mongelli. Do you remember him? He's the trained
13 criminal investigator who couldn't remember whether he
14 pulled out a memorandum form the morning of his testimony
15 to discuss it with Mr. Schatten, but he could remember
16 things that happened June 18, 1973, over two years ago.

17 And he was able to recall these things that
18 happened two years ago, that Mr. Bugliarelli said he didn't
19 keep any cash in his house or anyplace else except the
20 banks. That's where no cash on hand comes from that they
21 put on this, from his alleged statement on June 18, 1973,
22 that's testified to by a guy that couldn't remember events
23 that occurred the very morning of his testimony.

24 Is that logical to you? Or does it raise a
25 reasonable doubt?

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2 Now, he couldn't even remember whether he
3 and Special Agent Dick, who is in charge of the investi-
4 gation and who accompanied him, even took notes on June
5 18, 1973. But he remembers one thing, he remembers that
6 after the interview took place he and Mr. Dick go back to
7 the automobile. And what happens? Mr. Dick says to him,
8 "You know, Mr. Mongelli, something very important happened
9 when we were speaking to Mr. Bugliarelli, something very,
10 very important. He said he didn't have any cash."

11 And that's the memorandum of interview, by the
12 way, that Mr. Mongelli prepared that had the wrong address
13 for the location of the interview.

14 Now, when you view Mr. Mongelli's statement
15 that Mr. Bugliarelli told him that he didn't have any cash
16 during that June 18, 1973, interview, bear in mind what
17 happened during the first interview, December 6, 1972.

18 May I have that exhibit, please, Mr. Schatten?

19 MR. SCHATTEN: I don't believe it is in evidence.

20 MR. MUSOFF: Yes, it's in evidence.

21 MR. SCHATTEN: I don't believe it is.

22 MR. MUSOFF: That's the one that Mr. Mooradin
23 testified to, the man with no recall whatsoever.

24 MR. SCHATTEN: I believe you have a copy, too.

25 MR. MUSOFF: This is the December 6, 1972,

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2 interview of Mr. Joseph Bugliarelli admitted in evidence,
3 Exhibit 3539-A.

4 MR. SCHATTEN: I don't believe it was admitted
5 in evidence regardless of what he says.

6 THE COURT: It may have been read in evidence.

7 MR. MUSOFF: It is in evidence, isn't it?

8 THE COURT: The clerk said it was received
9 in evidence.

10 MR. MUSOFF: Thank you.

11 Now, on page 2 of this memorandum, what does
12 it say? It says, "Mr. Bugliarelli refused to answer
13 when asked about cash kept at home," during his very
14 first contact. He discloses all of his background, that he
15 resides at 4 Overlook Road in Dobbs Ferry, his wife is
16 Josephine, the maiden name of his wife, they have two
17 children named Joseph and Louis, ages nine and ten, he
18 owns Joe's Sweet Shop, his checking account, the special
19 checking account, all of his savings accounts, passbook
20 loan at the First National City, that the kids owned the
21 Essex Mutual Fund.

22 He maintains three safe deposit boxes at a
23 bank in Dobbs Ferry, and he saves silver coins, which he
24 keeps there. His wife has a wedding ring, she doesn't
25 have any furs or expensive jewelry. As you know, there

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2 are no furs or expensive jewelry here. None of that
3 appears here.

4 What appears there is what Mr. Bugliarelli
5 told them. Some mortgage insurance on the house. And
6 by the way, I don't think there is anything sinister
7 about making mortgage payments. I think everyone
8 who owns a house has a mortgage, at least the people I
9 know do.

10 Family life insurance policy. He had a bath
11 house and a swimming pool built on his property last year.
12 The contractor was Dio DiPasquale. The work was done on
13 weekends. He paid for all the materials on the job.
14 Roberts Electric hooked up a few things. He stated he
15 took a vacation in Florida. He flew down to Miami. He
16 was in Puerto Rico.

17 Then they say he's never been to Europe.
18 But do you recall when I asked Mr. Mooradin, "Didn't he,
19 when you were discussing the fact that he was honorably
20 discharged from the Army, show you that he had been in
21 Normandie, he participated in the invasion, isn't that
22 Europe? Don't you put that down?" He owned a pet shop.

23 Now, they have a very interesting thing here.
24 By the way, he states when he was in Miami he was at the
25 Newport Motel or Hotel. That was no secret.

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2 Then they have a very interesting thing here.
3 He never owned a boat. Where they got that from, I don't
4 know, because on the June 18th interview -- may I have
5 that exhibit, 3501-H?

6 On the 3501-H exhibit, which is the June 18th
7 interview, he goes ahead and he says his boat was stolen.
8 He wasn't looking to hide the boat. And nothing in there
9 says that Mr. Dick said to Mr. Bugliarelli, "Hey, wait
10 a minute, you are discussing a boat now. Don't you
11 remember the first time I met you, when I asked you about
12 a boat, you said you didn't own a boat? You never owned
13 a boat?"

14 What kind of a question is this to appear
15 suddenly in the middle of the interview: "Never owned
16 a boat?" Is this a question you ask every human being?
17 "Did you ever own a boat?" It's crazy.

18 What happened? He tells how he purchased the
19 luncheonette. He had a loan at the First National City
20 Bank. He used his wife's AT & T stock as collateral.
21 He had a car loan at the American Bank. And he says a
22 whole host of things, but two important questions he fails
23 to answer, and that is he didn't want to answer one
24 question about her inheritance and he refused to answer
25 when asked about cash kept at home December of 1972.

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2 Why do you think he refused to answer those
3 two questions? Because he had received that \$53,000 in
4 cash and he didn't want to start a whole big deal with Ann
5 Bugliarelli and disclose all of these things at that time.

6 And in his mind because his brother was
7 sick and had gone into the hospital and died shortly
8 after he got the money, he confused in his own mind,
9 because he only has an eighth grade education, as it
10 appears in here, he thought maybe that could be considered
11 to be an inheritance and he didn't want anybody to know
12 about that. That's the logic of this thing, not the
13 things that Mr. Schatten is speaking about, if you want
14 to use reason and not prejudice.

15 What do you think could have happened on June
16 18, 1973, to get Mr. Bugliarelli to change his mind and
17 say he never had cash, if he refused to answer it on
18 December 6th? The June 18th memorandum doesn't explain
19 it. In effect what the government is saying to you is
20 that on June 18th, 1973, Mr. Mongelli walked into Joe's
21 Sweet Shop and said, and Joe said to him, "Hi, fellows,
22 you know I have no cash on hand."

23 Now, I submit Mr. Bugliarelli never made that
24 admission on June 18, 1973. It was conjured up by Mr.
25 Dick and Mr. Mongelli in that automobile that they testified,

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2 that Mongelli testified they walked to after the inter-
3 view, because unless Mr. Dick could have something like
4 that in his memorandum there is no case against Joseph
5 Bugliarelli.

6 If you don't have an admission, an alleged
7 admission that he said he had no cash, that's the end
8 of the government's case. We don't even have to show that,
9 and Bugliarelli says and corroborates the fact that he
10 received \$53,000 in cash, because it's the government's
11 obligation to prove beyond a reasonable doubt that he had
12 no cash on hand. And for this purpose they need his
13 admission.

14 Now, you each remember the general system that
15 special agents use when they make up these things. Two
16 agents appear on the scene, and what do they do? One takes
17 notes or both take notes, but it really doesn't matter.

18 You know why it doesn't matter? Because when
19 they get back to the office, what happens to the notes?
20 They all get destroyed. That's what happens to them.

21 Well, in total fairness, I am really not being
22 accurate. Some notes don't get destroyed. If the inter-
23 view that was conducted isn't important, it doesn't
24 concern the taxpayer himself but it concerns bank officials,
25 then maybe you get a chance to look at those original

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2 notes.

3 You remember Special Agent Mannherz, the guy
4 that walked around and maybe canvassed one hundred banks?
5 His original notes were available. What did he testify
6 when I questioned him? We didn't give him enough time to
7 get back to the office to destroy the notes. That's
8 beautiful.

9 Now, I submit to you, ladies and gentlemen,
10 that when agents have better ways to insure that an accurate
11 record of an interview is made, such as using stenographers
12 or using an affidavit, and they deliberately choose not
13 to use it, then I think you are justified in finding that
14 they don't want to make an accurate memorandum of what
15 occurred. They are not interested in an accurate record,
16 because if you have an accurate record, you can't come in
17 later on with a guy that can't recall the same morning
18 he's testified and say there was an admission two and a
19 half years ago.

20 Now, do you also remember that Mr. Bugliarelli
21 was never given an opportunity to review these memorandums?
22 He was never shown these memorandums. He had no way of
23 knowing what they put into them. Did they come to him,
24 in total fairness, and say, "Mr. Bugliarelli, please read
25 this, and if there is any statement that is inaccurate, make

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2 your change and initial it?"

3 Isn't that the fair way to do something if you
4 are looking, really looking, for truth? That didn't
5 happen here.

6 Now, why didn't it happen here? Were they
7 afraid of an accurate record? Is this the fair treatment
8 that is designed to get truth?

9 I could hardly believe what I heard in this
10 courtroom. I never knew that they destroyed original
11 notes unless --

12 MR. SCHATTEN: Your Honor, I would have to
13 object to that.

14 THE COURT: The jury is instructed to disregard
15 the statement as to what he knew. That is not evidence
16 in the case.

17 MR. MUSOFF: I'm sorry, your Honor, you're
18 right.

19 Do you remember Special Agent Mooradin? He's
20 the fellow who unlike Mr. Mongelli, who had selective
21 recall, he could select what he wanted to recall, he had
22 a better memory of things that happened two years ago than
23 things that happened the same morning.

24 Mr. Mooradin had no recall. He couldn't
25 remember one thing that happened on December 6, 1972.

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2 Now, I ask you, how could anybody determine
3 the real accuracy of what goes on when these members are
4 prepared under those circumstances?

5 Now, let's also go back and thing about Agent
6 Falco's statements, his testimony in that regard. Agent
7 Falco testified he only takes notes of what he thinks is
8 important. So if you happen to be in the same room with
9 Agent Falco and you stress something to him that you think
10 is important and he thinks it isn't important, it doesn't
11 get down on this memorandum. What do you think about that?

12 You know what Mr. Bugliarelli's problem was?
13 His problem is honesty in relationship to the agents.
14 He freely discussed all of his expenditures. That is what
15 led to his being here in court before you. If he would
16 have said, "You know something, you read me that little
17 card the first time, I don't think I'm going to answer
18 any of your questions. Further, I don't like the fact
19 that you dropped in on my place of business, my luncheonette
20 unannounced. Shouldn't you have made an appointment?
21 And when you called up maybe said 'Listen, I'm a criminal
22 investigator, maybe it would be a good idea if you have
23 a lawyer, to get him there and stand alongside of you.'"
24 But no, they took advantage of his eighth grade education.

25 Nowhere in any of these memorandums will you

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2 see that a direct question was asked. "Mr. Bugliarelli,
3 where did you get the moeny so that you could make those
4 expenditures?" Is that that the important thing? Where
5 did the money come from? Once the expenditures are
6 disclosed to you what's the next logical question? Where
7 did the money come from?

8 And if you are looking for the truth from a
9 person, you ask that person the direct question. Where
10 did you get the money from that you used to make the expen-
11 ditures? You don't go around in circles, that is, if you
12 want the truth.

13 Well, I submit, ladies and gentlemen, that
14 making this case against Mr. Bugliarelli was more important
15 than getting at the truth, and the truth was that Frank
16 Bugliarelli, a known gambler, who was arrested December
17 of 1968, approximately two and a half months before he
18 entered the hospital, despite all of this illness and
19 whether he was bedridden, you are not out on the street
20 being a bookmaker if you're that sick two and a half
21 months before you enter a hospital.

22 He gets arrested, and what does that
23 arrest record show? Not only was he a bookmaker, but he
24 had gambling records on his possession. And the truth
25 is that because he was a gambler and he was a bookmaker in

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2 1968, we know that, he accumulated \$53,000 in cash which
3 he gave to his brother Joseph, and that is the truth.
4 But we'll come back to this shortly.

5 Now, let's take the bull by the horns. The
6 government wants you to accept the fact that Joe Bugliarelli
7 earned income from gambling activities in 1970 and 1971.
8 Well, they can't prove that by the testimony of their
9 own agents. Not one government agent was able to get up
10 here and say that.

11 Mr. Mooradin, who bounded in on Mr. Bugliarelli
12 unannounced December 6, 1972, what does he tell me when
13 I ask him? "What did you observe on the premises, any
14 gambling activity?

15 "No. No gambling activity.

16 "Was it an ordinary luncheonette?

17 "Yes, an ordinary luncheonette.

18 "Were there customers in the luncheonette?

19 "Yes.

20 "Where was Mr. Bugliarelli?

21 "He was in the luncheonette where he is
22 supposed to be waiting on his customers."

23 So since they can't prove it by any of their
24 own agents, and this method of proof doesn't prove a
25 source, all it proves is that a man had expenditures that

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2 are in excess of what he reported in income. This method
3 doesn't tell you what the source is. It could be from any
4 source. So where do they turn to? The New York City
5 Police Department.

6 Now, the police officers, even Sargeant
7 Blatus, had to admit on the stand that he never observed
8 Mr. Pugliarelli in any gambling activity whatsoever.
9 And on February 11, 1972, not February 11, 1970, or
10 1971, the only years in front of you people, but February
11 11, 1972, when he entered the premises and they frisked
12 him and they searched him, was there any evidence of
13 gambling activity? No. No evidence of gambling activity.

14 When he was finally charged on that day, was
15 he charged with a gambling violation? No, no gambling
16 violation. They had borough-wide jurisdiction, and this
17 man is allegedly a main cousin, a cousin, a main cousin,
18 he knows everything, he knows where the precinct is
19 located. What retail merchant in any neighborhood isn't
20 familiar with where his police precinct is located? There
21 is nothing unusual about that.

22 Yet, the government wants you to relate back
23 those events to the years 1970 and 1971 and speculate --
24 speculate and conjecture -- because there was never any
25 evidence, no direct evidence he was ever involved in

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2 gambling -- but they want you to speculate and conjecture
3 that Joe Bugliarelli not only was involved in gambling
4 activity, but he operated a gambling establishment and he
5 earned income from gambling in 1970 and 1971.

6 Now, where this should have taken place in
7 1970 and 1971 we are not told. We are not told because
8 they don't know, there is no proof, because the fact is
9 he never was involved in it. And Special Agent Mooradin
10 knows he wasn't on December 6, 1972. He was there
11 unannounced.

12 Now, I'm going to submit to you, you are going
13 to take in maybe, if you want it, a transcript of that
14 wire recording, as suggested by Mr. Schatten, but I tell
15 you that wire recording was merely an extension of Sargeant
16 Blatus, of what he was shown to be in this courtroom,
17 a crooked cop.

18 He was the complete antithesis of Officer
19 John. This is the Sargeant Blatus who ran out of the
20 Police Department as quickly as he could when he only had
21 one year to go to retire. This is the Sargeant Blatus who
22 kept a wire recording in his possession for forty days.

23 He tells Assistant District Attorney Milch
24 he turned it over to Officer John, who denies it, keeps
25 it until March 23, 1972, when the raid took place

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2 February 11, 1972. Why did he hang on to it so long when
3 it should have been turned in? Only one reason. So he
4 could have time to tamper with it, to fool around with it.

5 Now, you heard Mr. Robinson, who analyzed
6 that wire recording. Even Mr. Schatten brought out the
7 fact that the firm he was with was an extremely prestigious
8 outfit, one of the six that analyzed the Watergate tapes
9 in the Nixon affair.

10 Do you think that he would color his testimony
11 because he is being paid a fee? You heard what he said.
12 You could only sell your reputation once. Once you sell
13 it, it's gone. You no longer have a reputation.

14 What did he say? He said he was able to
15 find that the tape had been altered in one spot. Now,
16 the spot that he found it was altered in, it's true,
17 did not involve the portion of the tape that Mr. Bugliarelli's
18 conversation appears on, but what else did he say?

19 He said because of the limited funding and the
20 limited tests that were done to the balance of the tape
21 they couldn't tell. In other words, there is a possibility
22 that the balance was tampered with also.

23 MR. SCHATTEN: Objection.

24 THE COURT: Go ahead.

25 MR. MUSOFF: Mr. Bugliarelli doesn't have the

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2 unlimited money to spend that the United States Government
3 has. Do you realize the money that was probably spent
4 even if these figures are true to show you that he owes
5 \$10,000 in tax? They spent hundreds and hundreds of
6 thousands of dollars on this case. This is where your
7 money is going to

8 A reasonable doubt? There's such a continuous
9 threat of reasonable doubt in this case I really don't
10 know where to begin.

11 I submit to you, ladies and gentlemen, that
12 the government has failed to prove every single one of their
13 contentions beyond a reasonable doubt. The expenditures
14 are not in issue. Mr. Schatten admits it, thank God, we
15 told it to you.

16 Now, although it is the government's burden
17 to show a source for the expenditures, and to show beyond
18 a reasonable doubt what that source is in 1970 and 1971,
19 the government hasn't shown it to you. They haven't shown
20 it to you when they could only point to something that
21 happened in 1972 and say speculate about what happened
22 in '70 and '71.

23 They will yell at you "Main cousin." If he
24 was such a notorious guy, wouldn't somebody have approached
25 him in the precinct, walked over to Blatus? One cop knows

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2 another crooked cop. And he was crooked as the day is
3 long.

4 Did you hear anything on the tape that some-
5 body approached and said, "Hey, Joe, what are you doing
6 here in the precinct?" He was unknown in that precinct.
7 He knows people down in headquarters, he knows them here,
8 he knows them there. When it came right down to the nitty-
9 gritty, and who wouldn't have done anything to escape a
10 guy's clutches of that nature and maybe pay a few dollars
11 to get out of what happened there, was he able to name
12 one name? Did he name one name? He didn't name any
13 names. I think you could infer from that he didn't know
14 any names to name.

15 So what's the next thing you say? If you
16 don't have names to name you say liste, I don'- want to
17 squeal on anybody. That's why I don't have a name to name,
18 a name to give you.

19 Even though the government couldn't prove
20 a source of income for those years, we have shown you a
21 source: Ann Bugliarelli, poor Ann Bugliarelli. She had
22 nothing to gain by subjecting nerself to about two and
23 a half hours of testimony before a grand jury with an
24 examination conducted by Mr. Schatten. She had everything
25 to lose, because everything that she said was said under

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2 oath and was said under the penalties of perjury.

3 What did she have to gain by this? And
4 she also testified here in the courtroom, and she subjected
5 herself to the penalties of perjury here, too. Was the
6 government able to negate any part of her direct testimony
7 about the cash? No.

8 Sure she was questioned about lawyers and about
9 lawsuits and things that happened eight to ten years ago,
10 which any normal human being could forget about. But no
11 normal human being could forget \$53,000 in cash being
12 slapped down on a table and seeing it go right out the
13 door with your brother-in-law instead of remaining there
14 with you in your possession.

15 That's something you will remember for the
16 rest of your life, but you'll forget pettiness, you'll
17 forget things like a lawsuit against a relative. That
18 must have been a pretty viscous thing. You don't sue
19 relatives unless you're so highly emotionally involved,
20 and if you lose the suit, maybe you don't want to pay
21 them.

22 Doesn't mean you don't have the money or does
23 it mean that you are still so upset and so piqued at your
24 relative that you don't want to pay him no matter what.

25 And they point to the fact that Frank Bugliarelli

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got a mortgage loan on a house. Well, if he had \$53,00 in cash, why would he get a mortgage loan on his house? Well, he was a bookmaker. Maybe he wanted to do something with money that he couldn't show in cash, that he wanted to conceal. If he didn't want to show his cash, what's the next thing you do? You go to somebody and you say, "Listen, give me a loan because I want to write a check to someone. I can't give him cash." So there are reasonable explanations for people who have cash and get loans.

Now, unlike the government's baseless allegation that he had gambling income in 1970 and 1971, we have shown you Frank Bugliarelli was a gambler right in that period that is involved, December 1968, some two and a half months before he walked into the hospital or was driven by car.

Here is the inconsistency in the logic and the illogic of the government's position. The government wants you to believe that Frank Bugliarelli, a proven gambler, who engaged in gambling activities as late, at least we know, as December 1968, he couldn't have accumulated \$53,000 in cash, even though he's a proven gambler, but that Joseph Bugliarelli, who they can't prove is a gambler in 1970 and 1971, he spent the money because

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2 it resulted from gambling activities.

3 Boy, isn't that one a beauty, if you want to
4 use logic. The government wants its cake and it wants to
5 eat it, too. And this isn't the first instance that they
6 have reasoned this way to convict this man. Wrongfully
7 convict this man.

8 Whenever it is disclosed that Joseph Bugliarelli
9 did something honest, with regard to his income tax,
10 Mr. Schatten says hold on here a minute. It's not enough.

11 When he discloses to his accountant who prepares
12 his income tax return that he takes sufficient home from
13 the luncheonette so that his accountant reduces the
14 purchases and he pays a higher tax, Mr. Schatten jumps
15 up on redirect examination. He says, Mr. Bier, how much
16 does that amount to that he paid in extra tax? "Because
17 he was honest and he disclosed this? "Oh, only \$150?

18 "Forget it, ladies and gentlemen of the jury.
19 This doesn't mean he's honest, the amount is too small.
20 It's only \$150."

21 When he doesn't claim all of his sales tax,
22 as Mr. Moran, the government's expert, who prepared these
23 charts tells you, Mr. Schatten jumps up and says, "Well,
24 what is it that he had to pay extra in taxes by not report-
25 ing all this sales tax? Oh, he only paid \$60 more than

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2 he was supposed to? That's such a small figure, forget
3 about it."

4 But when the government calculates its figures,
5 look what they do. They can charge Mr. Bugliarelli with
6 expending \$43.79 to Rosedale Nurseries and \$150 to
7 Friedman and Friedman in 1970.

8 There are other similar amounts, all through
9 their computation, amounts to approximate \$150 or less,
10 gas \$105 in -- I'm sorry. Yes, gas of \$105, miscellaneous,
11 \$100, Goodwill Industries, \$100, all through this you are
12 going to see small figures like that. But they're not so
13 small. Mark Buick, \$96.77.

14 Remember Mr. Herrmann testifying to that?
15 It's all right for the government to do that but if we
16 try to show his honesty in relationship to his returns with
17 \$150 figure or a \$60 figure, forget about it, it's too
18 small.

19 This is the type of reasoning and the same
20 kind of illogical thinking as when Mr. Schatten, in his
21 opening statement, told you that we are going to show an
22 intent by Joseph Bugliarelli to conceal because you know
23 something, he put some of those expenditures in his wife's
24 name. Boy, isn't that a horrible thing. A husband put
25 something in his wife's name. This is concealment.

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2 Now, not one government witness testified
3 with regard to all of these cash expenditures that there
4 was concealment or that Mr. Bugliarelli attempted to conceal
5 the expenditures. Did he tell anybody, "Listen, I'm paying
6 you cash, hide it?"

7 You heard the testimony. Even after he knew
8 that these third parties were being contacted by the
9 government agents and the third parties got in touch with
10 him, what did he say? "Tell them the truth. Don't hide
11 anything."

12 Of course, Mr. Schatten on redirect examination
13 says, "Well, if Mr. Bugliarelli had told you to hide some-
14 thing, would you have hidden it?" And of course they
15 answered, "No." But that's not the point.

16 If Mr. Bugliarelli wanted to hide the expenditures
17 and he said, "Listen, I want you to hide it," and the guy
18 who he was dealing with said, "No, I'm not going to hide
19 it," he would have gotten himself somebody else who
20 would have hidden those cash expenditures, but that wasn't
21 his style. He wasn't out to conceal.

22 Getting back to the \$53,000. We have facts
23 corroborating the receipt of that money. Now, around that
24 time, if you will recall, Mr. Bugliarelli had a hiding
25 place built. You remember these photographs. If you want

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2 to, you could call for these and take them into the jury
3 room with you.

4 Now, why suddenly he owns the house since
5 1964, why would he choose that particular period of time
6 in 1969 to suddenly build this concealed hiding place?
7 For what reason?

8 I can't think of any other reason except that
9 he got the \$53,000 in cash around that time.

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2 I think you can logically infer that was the
3 reason.

4 Also let's look at his mode of living.

5 Isn't it interesting that the Internal Revenue Service
6 investigation went beyond the year 1972? This is the year
7 in which Mr. Bugliarelli would stand on premises where
8 gambling had occurred, although he himself was not charged
9 with gambling. I don't see 1972 up there on the sheet.
10 He is not charged with 1972. Don't you think that if his
11 expenditures and gambling activity was going on in 1972
12 that would be part of the indictment? He didn't have any
13 excess expenditures in that year because the money was used
14 up by 1971, as you can tell from these expenditures, and I
15 say you can infer from that that he received the money.

16 Now, in conclusion I just want to start saying
17 this: you heard me go over each and every item with Mr.
18 Moran, the government expert who prepared those charts;
19 and when I said to him, "If you accept as a fact that this
20 man had \$53,000 in cash in 1969, what happens to all these
21 figures?"

22 Do you recall what he said? "Zero, zero,
23 zero, zero and more zeroes." His returns would have had
24 to have been considered to be correctly filed.

25 Now, reasonable doubt is not always a question

1 lp2

2 of who you believe. You could listen to the government's
3 version and you could say, "You know, it sounds logical,"
4 and you could listen to Mr. Bugliarelli's version, and
5 you could say, "You know something, that also sounds
6 reasonable and logical and I don't know who to believe."

7 If that's the fact there is reasonable doubt,
8 and it is your moral obligation and legal obligation to
9 say he is innocent of all charges.

10 Now, you can't send a man to jail because of
11 speculation or conjecture. Remember that.

12 Now, if there is some doubt based on your
13 common sense and reasoning power, you have no alternative
14 but to acquit him.

15 So, you see, reasonable doubt is not always
16 whom you believe. You can believe both sides and still
17 have a reasonable doubt.

18 And, you know, the interesting fact is, you
19 could still believe the prosecution witnesses and still
20 have a reasonable doubt. Because you could say what they
21 told you was true but it's insufficient to prove what the
22 government is asking you to believe.

23 I think you are also entitled to realize -
24 which I think you do - that government agents are interested
25 parties. They are not objective people. Do you think

1 lp3

2 that they are not interested in getting a conviction after
3 expending all that work? You saw how closely they worked
4 with the prosecution; and you could infer that from the
5 fact that the very nature of their work is the gathering of
6 information and evidence against Mr. Bugliarelli, and they
7 are interested in showing that they did a job. And you
8 can't give the same weight or credence to the testimony
9 of anybody who is an interested party.

10 Now, you are going to have your real work cut
11 out for you when you enter the sanctity of that juryroom
12 and you start deliberating, because you are going to have
13 to consider whether an entire man's life goes by the wayside,
14 whether his family gets ruined. It is a grave responsibility
15 and it does not leave any room for speculation or probability.
16 You have got to know what he did, because whatever your
17 verdict is you people go back home to your loved ones,
18 and in time you are going to forget about this trial,
19 it was an interesting experience, and when time passes on
20 you are going to forget about it. Do you think he is
21 ever going to forget this experience after what he has
22 been through? This thing started in December, 1972.
23 Will he, his wife, ever forget this?

24 You know the answer to that.

25 So I am going to ask you, please don't render

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2 a verdict you are going to be sorry for tomorrow. Don't
3 render a verdict about which a year from now you may
4 reflect and say to yourself, "Gee, was he really guilty?"

5 Don't let that happen to you, because now is
6 the time that you have to give painstaking, detailed
7 consideration to what happened here. Now. Tomorrow is
8 too late.

9 Now, all we ask that you do is to dispense
10 your justice the same way you would if you had this problem
11 or somebody you cared about had this problem.

12 I want you to call upon your sense of reason,
13 your sense of logic, so that you don't commit an injustice
14 in this case. That is all we ask.

15 I warrant you, if you do we are sure that you
16 are going to render a verdict that is consistent with
17 justice and common sense, and that verdict is going to be
18 not guilty.

19 And in conclusion I just have one more state-
20 ment to make: this is the last time that I will be per-
21 mitted to address you people. Mr. Schatten, when I sit
22 down, will be able to converse with you, and unless some-
23 thing extraordinary happens, that's it. The only thing
24 I ask you to do is please, pay careful attention to what
25 he says, each and everything that he says, and think of

1 lp5

2 what I might have been able to say in response to what he
3 says had I been able to get up to respond to his state-
4 ments.

5 Thank you.

6 THE COURT: Mr. Schatten.

7 REPLY SUMMATION ON BEHALF OF THE GOVERNMENT

8 MR. SCHATTEN: Ladies and gentlemen, you
9 heard a very fine summation by Mr. Musoff, and under our
10 system of justice the defendant in a criminal case is
11 entitled to the best representation he can get. However,
12 not even the best attorney in the country can wipe away or
13 erase all of the evidence that you heard in this case.

14 Mr. Musoff's position is, well, the government
15 has established that on February 11, 1972, Mr. Bugliarelli
16 bribed a policeman, and he is on tape, that he bribed a
17 policeman in the sum of \$200 to help protect his gambling
18 operation. But that doesn't show that there is any
19 gambling operation going on in 1970 and 1971.

20 That is why I ask you, please use your common
21 sense. Please take that transcript of the tape, listen
22 to the tape as you see fit; take it in with you into the
23 deliberation room when you retire to consider this case.

24 He admits to paying off policemen \$125 a month
25 for a period of time. He admits to his knowledge of police

1 lp6

2 officers in the area.

3 Now, if he is doing that it is obvious that
4 he is not going to get arrested in connection with the
5 gambling operation, and for that reason the government
6 is going to find itself in somewhat of a difficult posi-
7 tion years later in coming up with evidence.

8 However, there is a tape. Mr. Musoff com-
9 plains, well, there are no tapes of any interviews. Here
10 we have a tape showing the real Joseph Bugliarelli in
11 action, the real man as he was just a few short days after
12 the period we are concerned with.

13 I think it is obvious from all these circum-
14 stances that this is just the way Joseph Bugliarelli was
15 in 1970 and 1971. He didn't just start up this gambling
16 operation.

17 Then they say to you, and their position is --
18 and I submit that what you heard from Mr. Musoff's sum-
19 mation were a series of smokescreen arguments designed to
20 deflect your attention from the true area you should be
21 focussing on.

22 Morty Dick, the Internal Revenue Service Agent,
23 is not on trial in this case. The defense concedes that
24 the notes that Mr. Dick took down on the first interview
25 are essentially correct. The only point that they part

1 lp7

2 company with him or that they disagree with Mr. Dick's
3 notes, and he signed it, is where Mr. Bugliarelli said he
4 never owned a boat.

5 Then Mr. Musoff comes up here and tells you,
6 well, Mr. Bugliarelli never tried to hide any of his
7 expenditures.

8 It is only six months later after Mr. Dick
9 and the other Revenue agents on the case spend an awful
10 lot of time on this case digging around and trying to find
11 out these various expenditures, including the expenditure
12 paid for the boat, that they present this matter to Mr.
13 Bugliarelli, then he says, "Oh, sure, I own a boat."

14 How is that for candor and honesty, and doesn't
15 that show an effort to conceal?

16 And moreover, ladies and gentlemen, we introduced
17 a whole series of tax returns in this case, including
18 Government's Exhibits 1 and 2. Was there any proof that
19 showed that Mr. Bugliarelli ever declared a dime in gambling
20 income? I submit if you listen to that tape and bring
21 that tape in with you during your deliberations, it is just
22 obvious and it is crystal clear that he was deriving
23 gambling income, and that he was the man behind the scenes,
24 the main cousin. Sure, he is not going to have a
25 gambling operation going on in his luncheonette. That is

1 lp8

2 a ludicrous argument. That argument is, I submit, an
3 insult to your common sense and your good judgment.

4 Now they tell you, well, Sergeant Blatus is a
5 dirty corrupt cop, a dirty rotten man.

6 Well, ladies and gentlemen, unfortunately in
7 our system, police system, there are policemen who are not
8 perfect. However, Sergeant Blatus is not on trial here,
9 and I must say that while they call him a dirty rotten cop,
10 Mr. Bugliarelli, a small luncheonette owner, wasn't above
11 offering a bribe to him, a \$200 bribe that you heard about
12 and is in evidence; and they aren't above offering a bribe
13 to a lot of other policemen either, and maybe this all
14 accounts for some of the corruption in the City, and that's
15 what this gambling operation is all about, and then he has
16 the nerve to claim that Sergeant Blatus is a man of corrupt-
17 ion.

18 Well, we didn't put Sergeant Blatus on the
19 witness stand because he is an ideal police officer. His
20 testimony was corroborated. Officer John heard the tape.
21 It was Officer John who prepared the transcripts, and
22 Officer John testified he recognized the voices, and that
23 this was the same conversation at which he overheard Mr.
24 Bugliarelli and Sergeant Blatus participate in.

25 And that isn't all.

1 lp9

2 There came a time when Assistant District Attorney
3 Milch was in court with Mr. Bugliarelli. Mr. Bugliarelli
4 admitted the facts and circumstances, admitted he paid the
5 bribe in connection with the gambling operation, and
6 neither Mr. Bugliarelli's own expert, the man who analyzed
7 the tapes, or anyone else could find anything whatever
8 wrong with the portion of the tape in which Mr. Bug-
9 liarelli's voice appears. That tape is authentic. Take
10 it in with you.

11 Now there is something else in Mr. Bugliarelli's
12 situation, and I will say this: he tells you that all he is
13 is a luncheonette owner; that he is what he would have you
14 believe. Nonetheless, and this is what Mr. Musoff referred
15 to, in 1970 he is paying Friedman & Friedman \$150.

16 Well, you heard that Mr. Friedman is Mr.
17 Bugliarelli's criminal lawyer. Think about that, ladies
18 and gentlemen --

19 MR. MUSOFF: That doesn't mean it is the same
20 person. Friedman is a common name.

21 MR. SCHATTEN: I believe the stipulation refers
22 to Robert Friedman.

23 THE COURT: The jury's recollection of the
24 evidence will govern.

25 MR. MUSOFF: Thank you.

1 lp10

2 MR. SCHATTEN: Moreover, ladies and gentlemen,
3 once he discovers that there is a tape, Mr. Bugliarelli
4 is so knowledgeable and so sophisticated, he brings that
5 tape and is able to get that tape analyzed by one of the
6 leading experts in the country, and it costs \$1500, paid
7 by Joe's Sweet Shop, and he would have you believe in 1970
8 he was just a salesman, and in 1971 all he ever did was
9 operate a luncheonette for eight months of the year.

10 That's something else that is very significant,
11 ladies and gentlemen. If Mr. Bugliarelli was telling the
12 truth in his tax returns, he was unemployed for four months
13 in 1971, the first four months, because the testimony was
14 that this sweet shop opened in May of 1971.

15 Well, you have the bank accounts in evidence.
16 Do you see any unemployment checks go in there? No.
17 What you see, instead, is a steady stream, and if you ask
18 for the Manufacturers Hanover documents, the documents that
19 you were shown, a steady stream, \$200, \$150 some weeks, but
20 mostly \$200 in cash going into that account, Josephine
21 Bugliarelli's account. It doesn't matter whether Mr.
22 Bugliarelli opens his luncheonette, whether he is un-
23 employed or not, it is always \$200 in cash. Think about it,
24 ladies and gentlemen. Ask yourselves where that money
25 came from. Isn't it surprising, once he opens that

1 1p11

2 luncheonette, the same \$200 coming in? Doesn't that
3 indicate a steady stream of income from another source other
4 than a luncheonette?

5 Here is something else, ladies and gentlemen,
6 to think about: Mr. Bugliarelli would have you believe
7 he was a full-time salesman in 1970. Yet when Mr.
8 Falco asked him about his operations as a salesman --
9 this is in January of 1973 -- he was unable to recall or
10 to remember the names of any of the people, his employers
11 in 1968, 1969 and 1970.

12 And have you noticed something else that is
13 interesting? There are two people you have heard from
14 who know Mr. Bugliarelli, Ann Bugliarelli and Dio Di
15 Pasquale. Dio Di Pasquale has known him for 30 years,
16 and Ann Bugliarelli has -- the Bugliarellis were married in
17 1952, and initially when Ann Bugliarelli testified on the
18 direct examination she said that she saw him practically
19 every day while her husband was alive, or something like
20 that. It is your recollection that governs. She never
21 mentioned that he was employed as a salesman, and neither
22 did Dio Di Pasquale.

23 Now, that indicates and that is another circum-
24 stance that Mr. Bugliarelli really had a source of income
25 from another operation, a gambling operation that he was

1 lp12

2 in control of. Obviously, a main man, a main cousin is
3 not going to be right on the premises. He has people
4 working for him and he is in control of the operation and
5 he is deriving money from that operation.

6 What else?

7 Ladies and gentlemen, Mr. Musoff spent a lot of
8 time in his summation criticising the Internal Revenue
9 Service Agents and would have you believe that Mr. Dick and
10 Mr. Mongelli deliberately lied.

11 Ladies and gentlemen, if you believe that two
12 agents, if you conclude that two agents of the Internal
13 Revenue Service went in there on June 18, 1973, and deliberate-
14 ly lied, I submit you ought to go into the juryroom, into
15 the deliberation room and come back with a verdict of
16 acquittal, because the United States Government does not
17 want you to come back with a verdict of guilty based on any
18 perjured evidence whatsoever. I would be less than true
19 to my oath of office if I asked you to return a verdict of
20 guilty on evidence that you believed was perjured.

21 Nonetheless, on this statement -- this is what
22 Mr. Musoff failed to mention -- Mr. Mongelli's notes or the
23 report that was made was signed not only by Mr. Mongelli but
24 by Special Agent Morton Dick, which stated, two days after
25 the events in question -- and it is a report, it's written,

1 lpl3

2 take it in with you; it is Government's Exhibit 3501-A,
3 the Mongelli report, and it states: "The only individual
4 whoever loaned or gave him money was his mother. Mr.
5 Bugliarelli also stated that he never kept some sum of
6 money at his home or any other location other than his
7 bank accounts."

8 If you believe that statement, then the whole
9 Ann Bugliarelli story is completely false.

10 Moreover, ladies and gentlemen, Mr. Bugliarelli
11 did have an opportunity to explain the situation. He
12 failed to do so when he was visited by the Internal Revenue
13 Service Agents in December. It was only when he was
14 visited by -- he doesn't say that Ann Bugliarelli gave him
15 the money at that time. He just refuses to talk about it,
16 refuses to discuss it.

17 Then on a subsequent occasion he does talk
18 about it, at a time when he has no motive to fabricate,
19 no motive to lie, no motive whatsoever; and he says he never
20 kept any money at his home; he never kept money at any
21 other location other than his bank accounts, and no one
22 gave him or loaned him any money other than his mother.

23 If you believe that statement of Mr. Bug-
24 liarelli, if you credit that statement, the Ann Bugliarelli
25 story is completely false for that reason alone as well
as all the other evidence.

1 lp14

2 Mr. Musoff also said, well, what about this law-
3 suit? Maybe because of some particular hostility to
4 the relative they were not going to pay her.

5 Well, that is not the proof. The proof shows
6 that they were paying \$10 a week pursuant to that settle-
7 ment for a period of time until they just decided to stop
8 paying; a judgment is entered against them, and they still
9 continue to pay. And Frank Bugliarelli is the man making
10 those payments, and he stops in August of 1968. No
11 payments are made after that time.

12 Now, ladies and gentlemen, I ask you to use
13 your common sense. Just because a man was arrested in
14 December, 1968, does not mean it was for gambling, does
15 not mean he has \$53,000 on hand; it does not indicate that
16 whatsoever in any manner, shape or form. No evidence
17 whatever as to the nature of the arrest, as to the circum-
18 stances surrounding the arrest.

19 And interestingly enough, when Ann Bugliarelli
20 was confronted with the \$150 that Joe Bugliarelli was
21 paying her while her husband was in the hospital, she
22 didn't say it was because Joe Bugliarelli was returning
23 money. She described it in her grand jury testimony
24 as a salary.

25 Now, ladies and gentlemen, there is one more

1 lp15

2 of evidence that I want you to consider, that I want you to
3 think about very carefully, because this is another item,
4 very important item of evidence that shows, we submit,
5 that the Ann Bugliarelli story is just completely false
6 and is not worthy of belief.

7 When Ann Bugliarelli was called into the gran
8 jury this past March, March of 1975, she decided to hire
9 a lawyer.

10 And whom does she go to? She goes to Joe
11 Bugliarelli to get her a lawyer.

12 Normally when people undertake a lawyer-client
13 relationship, it is a situation where they trust one another,
14 and before you enter into it you get somebody you trust if
15 you want a recommendation.

16 Ann Bugliarelli in her grand jury testimony
17 says the reason she went to Joe Bugliarelli is because she
18 didn't know any other lawyer. That statement was com-
19 pletely false. She knew Mr. Hauser; she knew Mr. Gil-
20 martin, the man who sold her home and ultimately paid Mr.
21 Fetell.

22 And she went to Joe Bugliarelli.

23 The next thing that's really important is,
24 I asked her, "As of this past month, 1975" -- and this is
25 at page 613 or 614 of the transcript -- "As of this past

1 lp16

2 month, 1975, did you trust and have faith and confidence
3 in Mr. Joseph Bugliarelli to look after your best interests?"

4 She gave an answer which I submit shows the
5 falsity of the whole story:

6 "Well, why would he do anything to hurt me?"

7 That was a slip, ladies and gentlemen, a slip
8 that shows this story is just a complete falsity.

9 I will read it again:

10 "As of this past March, 1975, did you trust and
11 have faith and confidence in Mr. Joseph Bugliarelli to look
12 after your best interests?"

13 She just wanted thinking. She made a statement
14 which I submit was the truth:

15 "Well, why would he do anything to hurt me?"

16 I think, ladies and gentlemen, you will see
17 from that and all the other surrounding circumstances in this
18 case, together with the fact that they were in a very
19 impoverished situation, that the real story here is that
20 Ann Bugliarelli, Frank Bugliarelli, at the time in 1969
21 were in a very, very difficult financial situation, and I
22 think you may reasonably conclude that a man like Joe
23 Bugliarelli was taking care of Ann Bugliarelli after
24 Frank's departure, and that is the reason, one of the reasons
25 why Ann Bugliarelli may have come in here and testified the
way that she did. Obviously it was a close family relation-

1 lp17

2 ship going on there, and I submit that is a likely story
3 in this case.

4 Why would a man like Joe Bugliarelli, even by
5 counsel's own admission, who was in the gambling business
6 in 1972, why would he --

7 MR. MUSOFF: Your Honor, I never made that
8 admission, that he was in the gambling business. I said
9 he was on the premises in 1972 --

10 THE COURT: You are correct. The jury is
11 directed to disregard that statement.

12 MR. SCHATTEN: If you accept that Mr. Bugliarelli
13 was behind a gambling operation in 1972 --

14 MR. MUSOFF: I am sorry, I didn't hear the last.

15 MR. SCHATTEN: I said, if you accept the
16 fact that Mr. Joseph Bugliarelli was in the gambling busi-
17 ness or in control of a gambling business in 1972 and
18 for some time previous to that time, what possible motive,
19 what possible reason would he have to steal the last penny,
20 every last dime, if he really had the \$53,000?

21 There were debts. They couldn't pay their
22 doctor. Mr. Musoff failed to mention that. There
23 was \$800 that Ann Bugliarelli denied having been owed to
24 the hospital, and they would have you believe that Mr.
25 Joseph Bugliarelli took these last pennies, every single

1 lp18

2 one of the dollars that Frank Bugliarelli, his brother, had,
3 and spent it on boats and houses.

4 And I just submit that the story doesn't make
5 any sense, particularly in the light of all of the evidence,
6 the lawsuit, the debts that Frank Bugliarelli owed at the
7 time of his death, all the other circumstances, the
8 evasive --

9 THE COURT: You have three minutes to go.

10 Please continue.

11 MR. SCHATTEN: -- the not credible testimony
12 of Ann Bugliarelli, and I submit that once that evidence
13 is considered by you, you will return a verdict of guilt
14 beyond a reasonable doubt.

15 One more item about concealment that I want to
16 mention:

17 I submit that the evidence has shown that Mr.
18 Joe Bugliarelli never declared a penny, never told his
19 accountant about a penny, never declared a penny of money
20 derived from the gambling operation, and that's the con-
21 cealment here.

22 And, moreover, ladies and gentlemen, he made
23 all these expenditures in cash, and the reason why he made
24 a large number of expenditures in cash is strong evidence
25 of concealment, because if the money is being expended out

1 lp19

2 of a checking account or some other institution, there are
3 records.

4 You will see, for example, there are four
5 trips, five trips to Florida, four to the Newport Hotel
6 and one to the Marco Polo Hotel. We don't have all the
7 expenditures in this case. I will be quite candid with
8 you. He obviously had some expenditures in getting down
9 there; he may have flown down there, and there is no
10 evidence of the flights that he took or anything. Obviously,
11 when people pay by cash, it is very easy to conceal.

12 In order to prove the expenditures on the pool
13 we have to take the word of Mr. Di Pasquale on the expenditur-
14 es. You don't have the kind of records you would have when
15 people keep accurate records. That is concealment.

16 In sum and substance, this case is very simple.
17 The government submits you should have no reasonable doubt
18 whatsoever that Mr. Bugliarelli controlled a gambling opera-
19 tion in 1970 and 1971, derived substantial amounts of taxable
20 income he didn't report, and there was no \$53,000 on hand
21 from Frank and Ann Bugliarelli which was expended; and the
22 evidence, I submit, is crystal clear, and I ask you to return
23 a verdict in accordance with your oath and in accordance
24 with the evidence in the case.

25 Keep your eyes on the ball and please utilize

1 lp20

2 your common sense.

3 Thank you very much for your patience.

4 THE COURT: Members of the jury, we will take a
5 recess before the Court instructs you.

6 During the recess please remember the case has
7 not been submitted to you finally, and will not be submitted
8 until after you have heard the instructions.

9 I think we will arrange to have lunch sent in
10 today, and the clerk of the court will give you a menu,
11 and you will each order whatever you desire. Let's take
12 about 15 minutes so you will have a chance to relax and
13 order your lunch, and you will put your name on the back of
14 each slip, and I think we can save some time that way.
15 You will have lunch brought in some time after you have
16 begun to deliberate.

17 (Recess.)
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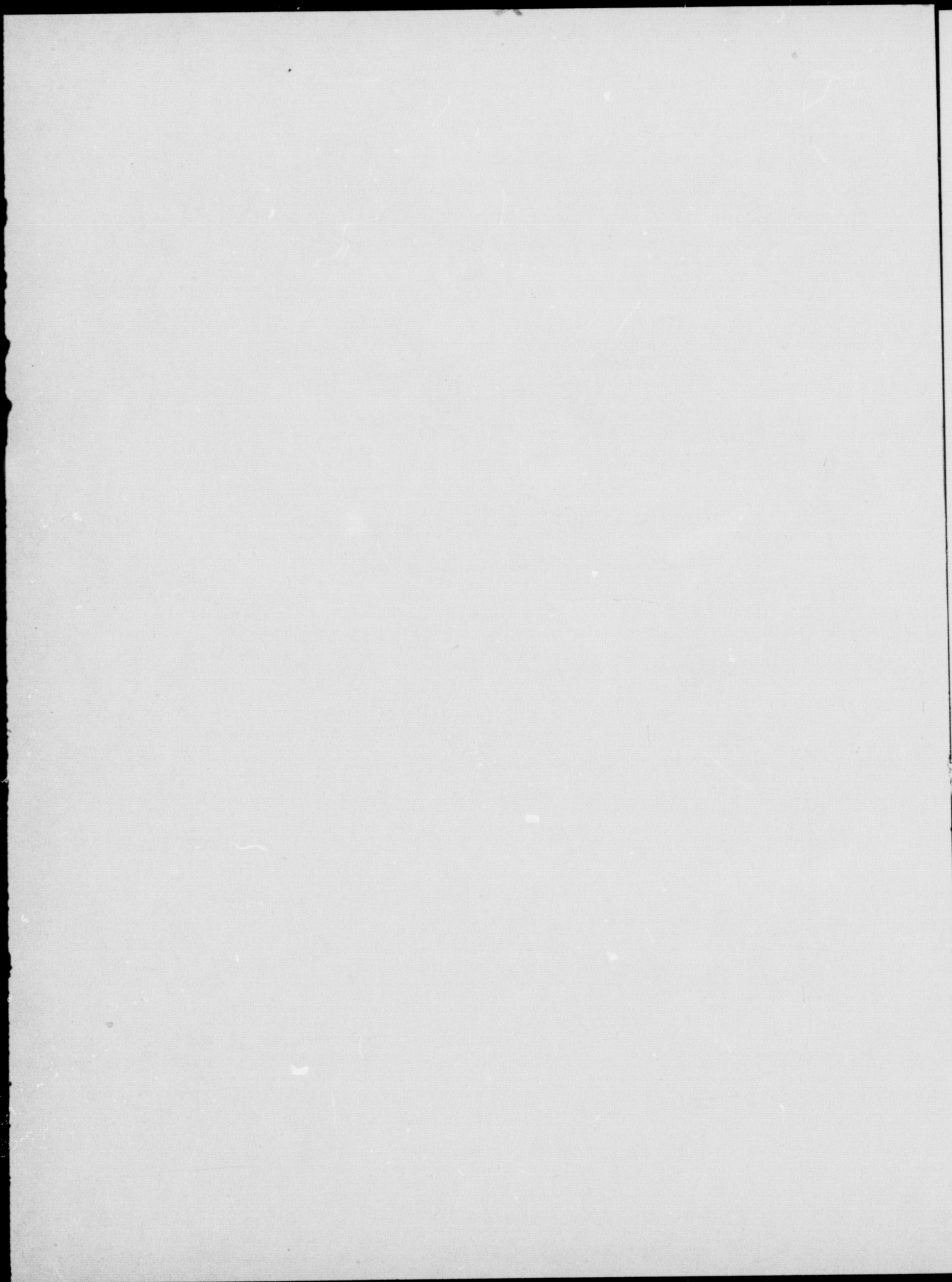


EXHIBIT 9

TRANSCRIPT OF CONVERSATION ON FEBRUARY 11th, 1972 AT
255 EAST 151st STREET, BRONX, NEW YORK

PTL. J - PATROLMAN WILLIAM JOHN, SHIELD # 13203
P. M. D. C. I. U.

SGT. B - SERGEANT JAMES BLATUS, SHIELD # 1002
P. M. D. C. T. E. U.

TAR - VINCENT TARALLO

BUG - JOSEPH BUGLIARELLI

DET. K - DETECTIVE JOSEPH KIRKPATRICK

PTL. C - PATROLMAN GERMAN COLON

SGT. B The time is now 12:10, February 11th, 1972. This is Sgt. Blatus in the HQAD office testing the tape recorder. Test Completed.

The time is now 1:30, 1330. This is Sgt. Blatus turning on the wire recorder. OK, What do you get? Yeah, well he don't have a recorder, bury it. Bury it someplace. Gee, I don't know. My clock is slow then, huh? What time they stop taking action here?

PTL. J Well, they start at twelve and then they start up about 2:30 again and then.

SGT. B Well, what time do they stop, after 1:30?

PTL. J After 1:30? I'd say about.

SGT. B Quarter to two they stop?

PTL. J About quarter to, about two o'clock. Beverly got a bet in there about a quarter to two. Quarter to ah two.

SGT. B A whole number?

PTL. J Yeah.

SGT. B Alright, in other words it don't stop until almost two o'clock.

PTL. J Right.

SGT. B Alright, then it starts at 2:30. And then they start. They must start single action.

PTL. J Right.

SGT. B, Ok. Alright, you can turn now, right? The time is now 1332. This is Sgt. Blatus at 1 East 151st Street and Park Avenue, Bronx. Can you see Joe?

PTL. J Yeah. He's just crossing the street.

SGT. B The other guy in?

PTL. J Yeah, Hermit is.

SGT. B Alright, watch this guy. Go ahead. Easy, don't get excited. Got a lookout to grab? Which is.

PTL. J No. No.

SGT. B His place?

PTL. J The purple doors, right here.

SGT. B Yeah, alright. Let me, let me, alright, I'll go in. Lock your car up. Ok, lock around. Joe, here, put these in. Get against the wall you guys. We're Police Officers. Alright, good, you know what's going on here. Who's the main man, this guy?

PTL. J No, no. He's inside.

SGT. B Yeah. Alright, get 'em up. Come on. You're under arrest Jack. You know, no big deal. You know that. We're gonna jump in here without this crap. Hold it, hold it. Leave that on. Leave everything on the table, Ok. Anything in the cigarettes?

TAR Ain't there enough there?

SGT. B Well, I don't know. Just want to make sure. Maybe you got junk, right?

TAR Yeah.

SGT. B What's your name?

TAR VINCENT TARALLO.

SGT. B Tarallo?

TAR Yeah.

SGT. B Oh, ok.

TAR What happened? Lay off gambling here. You lay off gambling and ah, you.

SGT. B Man, they sent us out that's all, right? I work for a boss.

TAR Yeah.

SGT. B What can I tell you? It's easy stuff.

TAR Let me see the money, huh.

SGT. B Alright, I won't take your money.

TAR I want to count it first. You don't need to have that.

SGT. B What is it, the tally?

TAR Yeah, that's all the work I need to straighten out.

SGT. B Okay, relax.

TAR I'll take care of it.

SGT. B That's all you need, huh?

TAR Yeah. That's all.

SGT. B Alright, step over here. Alright, hold it. Hold it. Stay here. You backed yourself right into a corner here, huh? Now you gonna run out.

TAR I don't run. What the hell do I care. What am I holding up a bank?

SGT. B No. What is that, rat shit? Hey Johnny!

SGT. B Oh, anybody got work outside?

PTL. J NO.

SGT. B They're all clean.

PTL. J We're just checking now.

SGT. B Alright.

TAR THEY're all players.

SGT. B Yeah. Alright. Listen. If they're players we're gonna turn them loose. We're not looking to hurt anybody. You got a little shitty spot here. What do we worry about. We ain't worried about it. I ain't worried about it. Are you worried about it?

TAR I thought you was told you were laying off from gambling. Now, what is.

SGT. B No. There's no such thing as that. That's the fuckin newspapers laying off the gambling, right? (What can I tell you ?)

TAR Yeah. Yeah.

SGT. B You have. Do you have a license?

TAR! In a way, yeah.

SGT. B Where? If you got a license, then you can operate. If you don't have a license then you can't operate, right? What can I tell you.

TAR Yeah.

SGT. B Watch it. Somebody dropped a dollar on the floor there.

UNKNOWN
MALE That's mine.

SGT. B Oh, alright.

TAR Pick the tab sheet.

SGT. B Yeah. Well, what can I do?

TAR This is all shit here.

SGT. B Ok. You got anything? You clean?

TAR Yeah. That's money.

SGT. B Wait, wait a minute. Alright, what did you get hit.

TAR Yeah, that's me, a real loser.

SGT. B What was that, a key?

TAR No, the key is on the end.

SGT. B Ok. You got a bag around someplace to put the change in, Bill. That's too small?

TAR That's it, yeah, there's nothing here.

SGT. B We got to bust out the warrant, right? What the fuck. *about 12:45 PM 6*

SGT. B I don't want to miss a whole load of work, you know, man? That's a

TAR AH, you make this shit a big project.

SGT. B There's no big project.

TAR There's nothing in there.

SGT. B Alright. Ok. You cut the other guys, huh? No problem, huh?
Alright Joe, get the car, huh.

DET. K OK.

SGT. B Get yours. No problem. What do you see, anything? Hey listen.
You're right out here.

TAR Hey.

SGT. B Yeah?

TAR Somebody tell. Could I walk down to the corner. I mean, somebody
will come with me. I gotta leave something for somebody.

SGT. B Yeah. We'll see.

TAR Alright.

SGT. B Yeah. Maybe. Yeah. OK. No problem. We're not. We're not. Did
you look around good in here?

DET. K Yeah, nothing. All old work.

SGT. B Yeah. Alright.

TAR What happened to this fellow Murphy that tells you to lay off
gambling?

SGT. B Hey, what can I tell you? Yeah? What do you want? Look in there
good, huh?

TAR There's nothing in there. Whatever you got, you got.

SGT. B Eh, couple of slips, probably. It was under the sill.

DET. K Did you check the can and everything ther?

PTL. J Yeah, I got everything, the can and the back.

TAR ~~You know~~^{no}, the City gave us this place for nothing.

SGT. B Shit. I, you going downtown?

DET. K Huh?

SGT. B On the other place there? You got a court case?

DET. K Hm?

SGT. B You got a court case?

DET. K No.

SGT. B OH.

DET. K. You got something for me? What did you say?

BJG Jesus Christ.

SGT. B Oh, c'mon, c'mon, c'mon, c'mon. Don't go away. Stay. We like to see ya. Let's see what you got. C'mon. You can't be stupid enough to come in here with work, right? What's your name, Jim?

BUG Lorrelli.

SGT. B Lorrelli, oops, sorry Joe. The jacket's too long. Joe, look in there, huh.

BUG There's nothing on me.

SGT. B Yeah. It's just money.

DET. K This might be the main man.

SGT. B Could be, right? I'm Sgt. Blatus. He's gonna let you know. Oh. What the fuck is that, huh? Where did that come from?

TAR Out of the, It fell out of the wall.

SGT. B Oh, yeah? It fell out of the wall. It fell out of the wall. I mean it fell out of the wall, you know? We could take a finders fee here, right? OK. Alright, so what do you want to do about this, huh?

TAR That's the payoff slip. You know, who I gotta pay.

SGT. B Yeah so, what you wanna do?

TAR Oh, that I need.

SGT. B Yeah, well.

TAR You tell me.

SGT. B Tell me what you want to do.

TAR You tell me.

SGT. B What?

TAR Let me go.

SGT. B Let me go. You wanna go? You wanna go? Well, c'mon. You wanna talk? Let's talk. We'll fucking do it easy. Tell me what you got in mind. What the hell.

TAR Well, whatever you got in mind.

SGT. B Well, I don't know. You speak out.

TAR Well, no kidding. Tell me what it is worth and I'll.

SGT. B I don't know, ha, ha. How much is on the payoff?

TAR There's nothing there. It's only small.

SGT. B Listen, we'd like to take a collar out of here.

TAR FOR WHAT? I mean ah this time you don't. There's nothing here. What are you, four men?

SGT. B Yeah. Only four, that's all.

TAR Well, you tell me what you want to do and ah.

SGT. B Well, what do you think? I'm only the Sergeant and three guys.

TAR Alright, so?

SGT. B. WE GOT TO EASE OUT THE WAGON, RIGHT? WHAT IS THAT?

TAR Yeah. Yeah.

SGT. B We gotta come up. We gotta. You know we already got a bitch. If we didn't have the bitch.

TAR Alright, tell me what it's worth.

SGT. B Well, what's it worth to you.

TAR I don't know. Believe me. I really don't know. You tell me what you figure you deserve and ah. Who cares? Well, alright dollars.

SGT. B Ah, fuck it. Too small. We'll take the collar.

TAR Oh, What you want to do that for Christ's Sake! Gimme a chance. Well, what you think? What do you, what do you say?

SGT. B Yeah. I'd like to get something to make me happy, right?

TAR Well, what makes you happy? That's all I wanna know

SGT. B Well, whatever you got. Whatever you want to give me.

TAR What should I say? You know, this is a pad. This ain't a. This ain't a sneak.

SGT. B So, what the difference? You wanna make them happy. Make me happy.

TAR Alright, suppose you say what it's worth.

SGT. B Whatever you got.

TAR Alright, let me speak to Joey, alright? Hey Joe, come here.

SGT. B GO. You go ahead. No, you go ahead.

BUG Are you from downtown, or what?

SGT. B No, we're the Boro of Corruption, you know? They made all Boro now. We answer special crimes.

BUG Oh.

SGT. B That's all.

BUG I'm a main cousin.

SGT. B Well, I don't know that, man. Nobody tells me, you know? They're all new guys down there. They're all shitheads. And I ain't gonna go out there and put my fucking job on the line for this bullshit.

BUG You're right.

SGT. B You know,

BUG. You're right. You're right.

SGT. B You give me somebody to tell me. Ok, fine. But you ain't got nobody I don't know nobody there. So I can't do nothing right? In other words I gotta do for myself and my men.

BUG We gotta worry about that.

SGT. B If you're a cousin, you're a cousin, right? They don't come around. They just rob and then that's it, right? And we're out here stuck for shit, right? In other words we all like to live, right?

BUG I'm here to get this straightened out now. The division is all broke up and they went into one headquarters, right?

SGT. B So then you tell me you're not a cousin.

BUG I am a cousin. I definitely am a cousin. In other words the Division went to the Boro Headquarters.

SGT. B Yeah.

BUG Right?

SGT. B Right.

BUG Don't I know that?

SGT. B Yeah. So if you get some guys from the East one and some guys from and some guys from the West Bronx and some guys from the ah South Bronx. They got North Bronx and they all jumped together. These fucking guys down there don't wanna let nobody know who's doing uptown, right? So you suffer. So you suffer now, right? C'mon, we can't, we can't fuck around any more.

BUG What do you want to do?

TAR Come on, he wants to do. I can't tell him.

SGT. B I'd like to, sure, we'd like to take em, you know. We take em, we got the thing. We can answer it out and we can do the right thing.

BUG No, don't take em.

SGT. B We got four guys, right? Me and three guys.

BUG You want a pad, or what?

SGT. B Yeah, it would be nice if we had a pad.

BUG You want a pad?

SGT. B Yeah.

BUG Yeah, Yeah, alright. We'll give you the pad now and then make it out for the whole thing, the whole twenty-six of you. There's thirty-one of you, right?

SGT. B Ah, no. They got. They brought two more guys in. They got more. They took some away, you know? It goes up and down. It's gonna be more. There might be sixty guys in there. What are you gonna do then? You gonna put all sixty on? Or you wanna put my team on? Right? You do my team. I don't worry about what the fucking everybody else does. I worry about what I'm doing.

BUG That's what I meant, one team, only one team that five guys. What if you got five teams. All I could go for is one spot.

SGT. B If you only got one spot then you think proportionately to one spot, right? But if we find another spot then you're gonna go on and you gonna get the shit knocked out of you, right?

BUG One spot.

TAR Yeah.

SGT. B What do you think it's worth? I mean you tell me. What did it cost you before?

BUG A hundred and a quarter a month.

SGT. B Oh shit, man. That's peanuts.

BUG That's what we were going for.

TAR Yeah.

BUG That's what we were going for, one spot, only one spot. That's all its been. This fuckin shitty street.

SGT. B Yeah

BUG You don't even have the work out then the place is for singles.

SGT. B Yeah. But we're looking. The afternoon you opened up again 2:30. So you must be going whole and single action or something.

BUG It's only single action here, 2:30/

SGT. B Ch, I thought you said straights. Didn't you say straights?

BUG No.

TAR No.

SGT. B Oh, yeah, oh. Listen, we'll do the right thing. Let's ah, let's square this one now, right? And then we'll talk about ah what we're gonna do for the month, alright?

BUG Alright, there's two there.

SGT. B Two? Alright. I wanna tell you both of you are under arrest for bribery. OK? I'm Sgt. Blatus from FMD and I'm placing both of you under arrest.

BUG Oh.

SGT. B What can I tell you?

BUG Hey Sarge.

SGT. B Hey, what can I tell you? That's the ballgame, right?

TAR This is ah.

SGT. B Yeah, c'mon. Alright. John, C'mon John.

PTL. J Yeah.

SGT. B This guy too, huh. They both go. Let's go. I want to warn you anything you say will be used against you.

BUG. You took the money out of my hand in front of this man.

SGT. B OK. Good. That's alright. What can I tell you? Come here.

PTL. J Joe.

DET. K Yeah.

PTL. J You wanna go around and get your car?

DET. K Ok.

BUG There's gonna be a big holler, Sarge, now.

SGT. B Ah listen.

BUG If you want to holler, I'm gonna holler too.

SGT. E OK.

BUG I'm gonna scream my fuckin balls off.

SGT. B I don't scream and yell at nobody.

BUG You arrest me on entrapment here and all that there. You ain't doing the right thing.

SGT. B Yeah, what can I tell you?

BUG What the fuck are we, narco men or something? Are we pushing junk?

SGT. B Must be. I don't know.

BUG I come in here clean.

SGT. B Yeah.

BUG Now, this is the Police Department? Is this what you call the Police Department?

SGT. B That's the ball game.

BUG Well, that's the ball game. It'll be a ball game. You might as well lock up the whole fucking city the way you pull fuckin entrapment.

SGT. B Mmm haa. That's right. Ok. Where's yours, right outside?

PTL. J Mine's right outside, yeah.

SGT. B Yeah, alright. Oh, his is bigger, huh?

PTL. J Well, no. I figure we'd just wait for his instead of standing outside.

SGT. B Yeah.

BUG Fucking bullshit.

SGT. B It's a bitch, ain't it? Herman, check to see if he's coming. When he comes we start walking out, you know.

PTL. C Alright.

SGT. B OK.

BUG What station house we going to?

SGT. B I don't know. What's the closest one?

BUG Ok. The 42nd.

SGT. B Huh.

PTL. J I'm going with him, right?

SGT. B Yeah.

BUG Hey, you wanna call Friedman for me, Tom? Tell him I'm in the 42.

PTL. J 40.

DET. K 42, 42.

PTL. J 42.

DET. K Right 149th Street.

SGT. B Excuse me.
DET. K Go this way, huh?
SGT. B Go left.
DET. K Yeah. They're going the wrong way.
SGT. B Alright. They'll find it.
DET. K Too much.....over there.
SGT. B Yeah, huh.
DET. K traffic.
SGT. B Still going uptown there too.
BUG That guy say leave gambling alone?
SGT. B Who's the guy? That's what I wanna know. Who's the guy that said that? Right? You tell me they say leave it alone. Who's the guy that said leave it alone?
BUG Better off running around with a fucking gun.
SGT. B Hey, listen. With a gun you do heavy time.
BUG What the fuck are you giving me?
SGT. B Give you a light one. Couple days. They're easy.
DET. K Guess we'll park out here, huh?
SGT. B Usually around the back, Joe, you know?
BUG Turn right.
DET. K Huh? Yeah, I know. Yeah. I know where to turn but I just want to see if I can park here.
SGT. B Well, right out.
BUG Yeah, you can park right out in front of the place.
DET. K No, they don't want no parking here no more.
SGT. B No? How about right here on the corner?
DET. K Ok. They got signs all over the station house.
SGT. B Pull me up there. Let me out with these fellas and ah, and then you can find a spot, huh?
DET. K Signs all over the station house. No parking. Signs in the Proper Clerk.
SGT. B Oh, yeah?
DET. K Yeah. Office.
SGT. B What's your. What's your name, you said?
BUG Bugliarelli.
SGT. B No, Your first name, Joe?
BUG Yeah. Why you, why you gotta go through this here? Take us for the collar. Don't take us for.

SGT. B It's a job, man. That's my job. What can I tell you? You know, what can I, what can I tell you?

BUG I'm a standup cpusin.

SGT. B You're a cousin.

BUG I'm a standup cousin. Inquire about me before you do anything.

SGT. B Yeah.

BUG Alright. Just inquire about me.

SGT. B Who can I inquire from? Who can I ask?

BUG Your men. Your men.

SGT. B Oh no. Downtown?

BUG I don't give a fuck who you ask.

SGT. B Well, then don't. What do you know? You say my men I mean.

BUG I can't tell you anything more.

SGT. B Alright, you can't tell me anymore.

BUG Your went this far. I can't tell you any more. What do you think I'm gonna get other people involved here?

SGT. B Well.

BUG I ain't gonna open up on nobody. I'm no fucking stoolpigeon.

SGT. B Alright. Listen, you told me, right.

BUG JUST Inquire with your men.

SGT. B How do I fuck I don't know you're from the Feds, right?

BUG I'm a

SGT. B Maybe you're working for the Feds, right?

BUG I'm Joe Bugliarelli. I got a record here. Just check my sheet.

SGT. B That's the ball game.

BUG Just check my sheet. That's all I ask you. And then if you give me a collar, give me a collar for Policy. I don't need the Bribery. A lot of good people will talk to you. They'll tell you about me. That's all I'm asking you to do.

SGT. B I wouldn't know where to start. I don't work in the Bronx.

BUG Just give me the collar for the Policy. That's all I'm asking you to do. Just give me the collar for the Policy.

SGT. B Yeah. C'mon. Listen. I don't know where the hell them other two are. C'mon. Sgt. Blatus from PMD. I got two for gambling here.

DESK OFF. Both for gambling?

SGT. B Yeah. We're gonna make. Where do they process them down here?

DESK OFF. You can use any of the rooms upstairs.

SGT. B Upstairs? Ok. Yeah. If my men come tell them I went upstairs with them, huh. I'll wait for them. What do you got, the old squad? I don't know. I haven't been here in a couple of months at least.

DESK OFF. Yeah. Well, they were using that for fingerprints. There's a big hassle over the fingerprints here.

SGT. B Oh yeah?

DESK OFF. Yeah. The uniform force and the Detectives. So I understand they gave up the space over there.

SGT. B The Detectives, you mean? Or the uniform?

DESK OFF. Yeah. Well, the detectives were claiming that they need it once in awhile for a big case. But we were claiming we were making 600 arrests a month. We need it more than they do.

SGT. B Now, what do they get for. Do they still have a squad here? Or they make it Boro-wide?

DESK OFF. Ah the squad is only Homicide and Assaults here.

SGT. B Oh, but they have a, they have a room up there.

DESK OFF. Yeah.

SGT. B With a detention cage and everything?

DESK OFF. Yeah. In the, in where the detectives are. Not in the fingerprint room.

SGT. B Ok, alright. We can detain them upstairs. Yeah, alright. I'll wait for them. Good. Yeah. Yeah. They won't bother me. Yeah. Alright. C'mon fellas. Let's go upstairs.

BUG Yeah. You trapped me right into this.

SGT. B Yeah.

BUG You forced me to say things.

SGT. B I didn't force you to say nothing, man. You opened your mouth. When you opened your mouth you put your foot in it. That's all. Hold it. Hold it. I'm Sgt. Blatus of PMD. You have a detention I can use just for a few minutes? Yes. Alright. I want to put these in.

BUG Can I use the men's room? It's around the corner.

SGT. B Yeah. Alright. Hold it. Wait a minute. Hey, Joe. Just wait five minutes, huh. Let me go and get the other guys then I'll take you out. Go ahead. Well, I got them in the cage here.

PTL. J Alright.

SGT. B Ah, let me call Smith a minute, huh.

PTL. J Alright.

SGT. B Go ahead. Just go in there and make. Don't let nobody talk to them, huh. They're inside in the Detective's office. This is Sgt. Blatus turning off the wire recorder. The time is now ah 1408. Just a minute.

.....

Time is 1417 and Segeant Blatus has turned on the wire recorder.

PTL. C You have the Search Warrant?

SGT. B What?

PTL. C Do you have the Search Warrant?

SGT. B No. I took it. Where's the papers? It's in the papers if it's any place, right?

PTL. C What about the money that was on the table?

SGT. B Ah, I gave it back to him, you know. Yeah. Well, I didn't want to start anything there. Hey, ah, ah John.

PTL. J Yo.

SGT. B Where are you?

PTL. J Here Where's Joe?

SGT. B He was just here. You got the key for the ah cell? The det, oh good, right here. You got the key for the cell? Detective, the key to the cell?

DET It should be right on the side of the ah. Turn it to your right.

SGT. B Yeah. Where do they print them now Detective?

DET. In the back.

SGT. B Inside here? C'mon. Start printing them.

PTL. J I can't get any forms down there. They got a big line at the desk arrest forms.

SGT. B Alright. Oh, here's another fingerprint. Get some cards and print them up. Could you move a little so we could use the printboard please? That a boy. They must have forms someplace. I made a I made a call but I can't get no answer. So, but the time we got no answer. You go all the way, alright?

PTL. C Where are the arrest forms?

PTL. J I can't get any forms down there. There's a big line at the desk.

SGT. B What kind of line? They just have to hand them out, don't he?

PTL. J NO. He must be booking prisoners down there. Ah, what do you want? You want me to start there here?

SGT. B Yeah. Start. Right.

PTL. J Or you want me to run downstairs and see if I can get them, huh?

SGT. B Start with this fellow.

PTL. J There's nothing up here.

SGT. B Go down and wait for forms down there. Oh, wait a minute. There's nobody on the desk. Just start printing them and I'll get the forms I'll take care of the forms. Yeah. Ah, just keep them on the side. Don't let them fuck around with the ah. Listen, oh make sure they don't pass the money off to the other guy because ah that Five Hundred Dollars (\$500) but and the other money with the rubber band is off the table so watch how we do em. Nobody knows. What the hell was that address over there?

DET. K Where?

SGT. B 255?

DET. K 255 ... You got a Social Security Card?

BUGI don't have it with me.

SGT. B Did he do three yet?
PTL. J No. I got one more to go.
SGT. B Did you do the otherguy?
PTL. J Not yet.

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